

# T H E LONDON MAGAZINE:

For A P R I L, 1771.



IN our last we concluded the debates of the lower club room upon the subject of the Spanish convention, and it remains only necessary for us to acquaint the readers, that the motion for an address of thanks to the throne upon the occasion was carried by a majority of

271 against 157. — In a note below we have inserted the names of the minority \*.

This great question was scarcely determined, when another point of the utmost importance engaged the universal attention of the kingdom. — The printers of various periodical publications had, for a considerable time, inserted the parliamentary debates, and

\* Ben. Allen  
Cha. Anderson  
Sir Edw. Astley  
John Aubrey  
George Aufrere  
Wm. Baker  
Isaac Barre  
Cha. Barrow  
Nathan. Bayley  
Aubrey Beauclerk  
Peter Beckford  
Ld. Edw. Bentinck  
Peregrine Bertie  
Hugh Bethel  
Sir Rob. Bernard  
Hon. Edw. Bouverie  
Sir Piercy Brett  
Joseph Bullock  
John Burgoyne  
Edmund Burke  
William Burke  
George Byng  
John Calcraft  
John Carnac  
Ld. Geo. Cavendish  
Ld. Fred. Cavendish  
Ld. John Crvendish  
Henry Cavendish  
Nathan. Chomley  
G. B. Clarke  
Sir Rob. Clayton  
Lord Clive  
George Clive  
Sir Wm. Codrington  
Sir Geo. Colebrooke  
Tho. Conolly  
C. W. Cornwall  
Ric. Hippeley Cox  
Ld. Mayor of London  
Henry Curwen

Hon. John Damer  
Hon. George Damer  
John Damer  
Sir Charles Danvers  
Henry Dawkins  
George Dempster  
Earl of Donegal  
Hon. W. Dowdeswell  
Wm. Drake, sen.  
Wm. Drake, jun.  
Tho. Dummer  
John Duntze  
John Dunning  
Tho. Durrant  
Sir Mat. Featherstone-  
haugh  
Savile Finch  
Tho. Fitzmaurice  
Henry Fletcher  
Tho. Foley, sen.  
Edw. Foley  
Geo. Forrester  
Sir Tho. Frankland  
Wm. Frankland  
Rich. Fuller  
John Glynn  
Wm. Graves  
Lord George Sackville  
Germaine  
Rob. Gregory  
Henry Grenville  
Booth Grey  
Sir John Griffin  
Wm. C. Grove  
Sir Wm. Guise  
Tho. Grosvenor  
Tho. Halfey  
Lord A. Hamilton  
Wm. G. Hamilton  
John Hanbury

Bt. Hotham  
Geo. Hunt  
Wm. Husley  
Philip Jennings  
Lord Irnham  
Anth. James Keck  
Hon. Aug. Keppel  
Hon. Wm. Keppel  
Peter Legh  
Sir James Long  
Earl Ludlow  
John Luther  
Herbert Mackworth  
John Manners  
Joseph Martin  
Cha. Marsham  
Joshua Mauger  
Sir Joseph Mawbey  
Sir Wm. Meredith  
Sir John Molesworth  
Frederick Montagu  
Sir Roger Mostyn  
Geo. Musgrave  
Tho. Noel  
John Norris  
Richard Oliver  
Hugh Owen  
Francis Page  
Robert Palk  
Sir John Palmer  
John Parker  
Richard Pennant  
Sir James Pennyman  
Cha. Penruddock  
Const. Phipps  
William Plummer  
Edward Popham  
Alexander Popham  
George Powlet  
Thomas Pownall

Robert Pratt  
Chace Price  
John Radcliffe  
Denys. Rolle  
Sir John Rous  
John Rushout  
Sir John St. Aubyn  
Anthony St. Leger  
Samuel Salt  
Sir Geo. Savile  
James Scawen  
John Seudamore  
Henry Seymour  
Wm. Franc Sharpe  
John Smith  
Fred. Standert  
Henry Strachey  
Humphrey Sturt  
Lord Geo. Sutton  
James Sutton  
Robert P Taylor  
John Tempest  
B. Thompson  
Tho. Thornton  
Hon. T. Townshend  
Rt. H. T. Townshend  
James Townsend  
Barlow Trecothick  
Charles Turner  
Earl Verney  
Sir Francis Vincent  
Boyle Walsingham  
John Walter  
Viscount Wenman  
Tho. Whichcot  
Richard Whitworth  
Sir A. Williams  
Tho. Willoughby  
Sir C. Wray  
Sir Geo. Yon



it must be confessed with a degree of freedom that often offended the serious well-wishers to the cause of popularity. — This, as might be naturally imagined, at last roused the resentment of the house. On the 8th of Feb. therefore Osirius Otho (Col. O—w) after reading a paragraph in the Gazetteer, and another in the Middlesex Journal, which he complained of as a breach of privilege, moved that Mr. Thomson and Mr. Wheble, the printers of these two papers, should be ordered to attend the house to answer for their behaviour. — In our last number a minute narrative is given of the proceedings in consequence of Osirius's motion; we shall on this account enter immediately upon the debate for sending the Lord Mayor of London and Mr. Alderman Oliver to the Tower, and flatter ourselves, the arguments on either side will not be very materially injured in our hands. — Previous however to the debate, it is necessary to observe, that several inferior motions relative to the *rule and order* part of the business, the adjournment of the main question, the attendance of Mr. Wilkes, and the appointment of counsel to assist the two magistrates, were agitated; at last on Monday the 25th, Caius Cassius (Mr. W—E—s) made the following speech for the commitment of Mr. Oliver to the Tower, the Lord Mayor being so much indisposed, that he obtained leave early in the evening to return to the Mansion-House.

Mr. President, Sir,

AT a time when we are told by every little pretender to patriotism, that nothing but parliamentary independency can possibly maintain the liberties of the people; it is with astonishment I see two magistrates of the first city in the British empire, endeavouring to destroy the very existence of parliament, and even triumphing, though members of this house, in having violated those privileges, which are essentially necessary to the maintenance of our just weight in the constitution.

One of the most favourite principles of the present opposition, Mr. President, is, that all authority is originally derived from the *people*, and that in exigencies of peculiar necessity, where the law has provided no remedy for unforeseen criminalities, that

then the power of the *people* should interpose, and the safety of the state even justify occasional infractions, upon the established ordinances of the kingdom. The opposition, however, while it reasons in this manner, while it contends for this all-ruling supremacy in the *people*, never once reflects, that it is actually enforcing the propriety of parliamentary privilege. — This house, sir, in its legislative capacity, constitutes the only *people* of England which the law acknowledges; on the expiration of our term indeed, or our dissolution by the royal proclamation, our power reverts to the hands of our constituents, and the moment they elect new representatives, these representatives, and not the constituents, again become the legal body of the *people*. To imagine any other *people*, either in a judicial, or an argumentative sense, is to lay the political axe immediately at the root of our constitution; it is to substitute anarchy in the room of order, and to drag down that very destruction upon our heads, from which our modern reformers tell us their only solicitude is to preserve us.

As we are therefore the *people* of England, sir, nothing is more absurd than to say we are trampling upon the rights of the nation, when we are merely supporting our own constitutional claims, and exercising those powers, which have been immemorially allowed us for the most salutary purposes. Gentlemen tell us, sir, that the privileges of parliament are manifestly repugnant to the spirit, nay, to the letter of *Magna Charta*—manifestly repugnant to many positive statutes, which declare, that the subject shall not be deprived of his freedom, but by the immediate law of the land. Now the law of the land according to these notable casuists, consists in an act passed by the joint concurrence of the *three* estates in parliament, and not in the private resolution of any *one*; to set up the private resolution of any one, they plausibly enough argue, above the joint act of the three, is to commit a murder upon common sense, and to overthrow every idea of a rational government.

It is not a little unfortunate however for the opposition, that the law of the land, which is thus pleaded



against parliamentary privilege, actually admits the exercise of privilege in the most unbounded latitude. It expresses for instance in the 9th clause of the Bill of Rights—THAT THE PROCEEDINGS OF PARLIAMENT SHOULD NOT TO BE IMPEACHED OR QUESTIONED, IN ANY COURT OR PLACE OUT OF PARLIAMENT.—

How then have the city magistrates dared to say, that their paltry corporation-charters are to be put in competition with the dignity of parliament? How dare they set their inconsiderable claims above the whole body of the British people? Or how dare they imagine, that a Guildhall justice is to determine upon the privileges of this house, when neither the lords, nor the crown, would pretend to so dangerous a liberty?

During the debates on the Middlesex election, Mr. President, when patriotism called upon us to know, whether the resolutions of this house should be considered as superior to the law of the land, it was repeatedly observed, that if the law of the land recognized, if it confirmed our privileges, that they could by no means be illegal. By the law of the land it was observed, sir, that a man refusing to pay a just debt was liable to be arrested—whereas by the privilege of parliament, the person of a member was rendered sacred—he could not be arrested for debt, and the officer arresting him was subject to the displeasure of this house. The very meaning of the term privilege implies a particular right of dispensing with particular laws—and privilege was originally claimed, as well as originally granted, for the public good of the kingdom—to serve as a check upon the power of the peers, and the prerogative of the crown, and to make the scale of the people as important to the constitution. Will the friends of the people therefore contend, that the House of Commons should be made superior in their legislative capacity, either to the peers or the crown? Shall they, while equal to both in the formation of laws, be rendered less respectable in the circumstance of privilege? God forbid. The consequences are big with horror—they shake the temple of freedom to its very centre, and threaten instant annihilation to

every thing, which can possibly be dear to the independency of the British empire.

Let us for a moment launch out into the regions of political supposition; Mr. President, and grant with our popular reformers, that parliamentary privilege is a monster which calls for immediate extermination, and cannot exist without manifest danger to the community: still it is necessary to enquire, whether the extermination is not more destructive than beneficial, and more likely to encrease than diminish the catalogue of grievances. If privilege is removed, sir, every individual in the kingdom will undoubtedly be indulged with an opportunity of abusing parliament; of misrepresenting its proceedings, and inculcating a general contempt for all legal authority. Such will be the benefits resulting from the total abolition of privilege; but if this abolition is suffered to take place, and if the written, the positive law of the land *only*, is to be restrictive upon the person of the subject—if the commons are allowed no inherent power of imprisoning, where their orders are disregarded, what returning officer will attend them, who misbehaves on a general election? Every such officer will send up his patron, or his friend, to parliament, when there is no legal court in being to punish his delinquency; and this house, from a representative of the people, will speedily degenerate into the tyrants, or the creatures of sheriffs, bailiffs, and portreves: universal anarchy must succeed to tolerable order, and if we now find it difficult to preserve the purity of election, that preservation must become utterly impossible, whenever the salutary rod of correction is taken out of our hands.

In reality, sir, nothing but the excessive folly of our modern patriots could once desire the abolition of our privileges; for let us even suppose the present representatives of the people are every thing which they are pictured by the licentiousness of faction, still does it follow, that their turpitude is to lessen the dignity of their successors down the whole lapse of time, and that a power, confessedly salutary in the custody of honest men, is to be annihilated, because it may be



be occasionally abused by men of profligate characters. If the electors of Great Britain can depend upon their own virtues they may at all times depend upon that of their members; but, if the fountain of elective legislation is once rendered impure, the streams must naturally be corrupted—venal constituents must of course produce venal representatives, and such whether privilege is, or is not, taken away, will always have the power of overturning our happy constitution.

The farther I enter upon the subject of parliamentary privilege, sir, the more I am astonished at the infatuation of our political reformers.—Their principal exclamation is for the punishment of bad ministers, for the reformation of abuses, and for an enquiry into the conduct of our judges upon some late judicial determinations; yet if an Englishman is bound by nothing but the *express*, the *written* law of the land, how are the commons ever to impeach a minister, or to answer any other end of their institution? Take away their power of imprisoning persons, or demanding papers, and you render them totally useless; you give every individual of the whole community a right of despising their authority; for who, give me leave to ask, will attend their orders if *unobliged* to attend?—Will the monopolizer shew a voluntary obedience to their commands against his own interest? Will the proprietor of common take a journey of perhaps a hundred miles at his own expence, to counteract his own inclinations, when he is left at liberty to decline it? And above all, will the venal judge, or the arbitrary minister dread the indignation of this assembly, when none are bound to give testimony of their guilt, and when the evidences of this guilt may be particularly desirous to conceal it? Seeing therefore, Mr. President, that the destruction of parliament must necessarily follow the abolition of privilege; and seeing that the liberties of the subject can have no existence independent of this house, I must now proceed to a very painful, though a very essential part of my duty, and complain of R——d O——r, Esq; one of our own members, for a daring violation of our privileges—By a long and well-known order of

the Commons in parliament, it is highly criminal in any printer to publish an account of our debates without your particular permission, sir.—In the most popular periods of the English history, a proper regard was paid to the dignity of our deliberations, and even favourite ministers have sometimes thought a compliment to these deliberations, a freedom injurious to the sanctity of our legislative character; but to such an extravagance has the licentiousness of sedition at present extended, that patriotism has thrown off all restraint, and made it actually meritorious, not only to vilify our determinations, day after day, but to deny our very being as a legal representative of the people. I need not, Mr. President, dwell upon the grossness of these infamous publications, nor mention the unexampled lenity of the house, in bearing it with so much patience. Our resentment has at last been roused, and we have ordered some of the delinquents to be apprehended; yet, sir, though we are the sole judges by law of our own privileges, though we exercised no power but what has been immemorably exercised by our predecessors, Mr. O——r, nevertheless, while holding a seat in our assembly, has thought proper to oppose our resolutions, and set the mere municipal characters of the city, above the rights of the British Commons, as if the inhabitants of London were superior to the whole body of the people at large; and as if the true friend, of this kingdom could ever wish to invest the crown with a discretionary rule over the indisputable claims of parliament. I therefore move, that Mr. O——r, in discharging the person whom we ordered to be taken up, and in aggravating his offence, by signing a warrant for the imprisonment of our messenger, has been guilty of a high breach of privilege, and that for this breach he be committed to the Tower during the pleasure of the house.

This motion being seconded by Marcus Lepidus (Mr. O——r, the previous question was put, but passed in the negative 272 being against, and no more than 90 for it. The main question was then amended upon the motion of Decius Drac (Sir J—n G—n ——— G—n) the amendment



amendment, instead of the words *committed to the Tower*, substituted *reprimanded in his place*. This, however, was rejected by a great majority, upon which Fabius Maximus (Sir George S—le) began the debate in opposition to the main question.

Mr. President, Sir,

I have a few short arguments to urge against the violent measures now proposed; measures as injurious in my opinion to the honour of this house, as to the dignity of the first city in the British empire. The right honourable gentleman, to whom we are indebted for the motion on your table, Mr. President, has been very elaborate in his explanation of parliamentary privilege: but though his explanation may be very able, I cannot persuade myself that it is very just. The resolutions of this assembly, sir, are, I grant, truly respectable, but the laws are still more respectable; and if in one instance the private order of a single estate, is to supersede the established ordinances of the land, where are we to draw a line; discretion can know no restriction, and to annihilate the existence of the three estates, which must be the case, if the private order of one, passes for law, is to annihilate the very constitution.

But not to trouble you upon a point so self-evidently convincing, Mr. President, let me ask you, for what the city magistrates are to be punished in this rigorous manner. They have only defended those laws which they were sworn to defend; they have only fulfilled their well-known oath of magistracy, and asserted the sanctity of charters, which grant particular immunities to their fellow-citizens.—Are we to be angry with them for a conduct of this nature, sir? Are we to throw them into dungeons, because they have acted with remarkable integrity? For God sake, sir, let us never erect such a monument to our own dishonour.—Never let it be said, that we persecute our fellow-subjects for refusing to commit perjury; nor because we are perfidious in the discharge of our own duty, deem it criminal in others not to imitate our perfidy.

In reality, sir, we are sufficiently noxious, sufficiently detestable to

the nation already, and if we have no regard for the city magistrates, we should at least have some little consideration for ourselves. Remember, sir, the Lord Mayor of London applied for counsel and was refused. Remember, sir, you have heard the accusation, but denied the smallest attention to the defence. Let me exhort the house therefore, from principles of prudence, to pass a negative upon the present question. The passions of the people are but just beginning to subside, to rouse them again may be fatal; and their enemies will find that if freedom is to fall, it will inevitably be attended with their own destruction. It has been industriously inculcated by the friends of this motion without doors, that we are a supreme court of judicature in matters of privilege.—But did you ever hear a court of judicature deny even the most profligate culprit an opportunity of defending himself? However, it is needless to expostulate upon a question already determined. The fate of the city magistrates was decided before it became a subject of debate in this house, and the refusal to grant them the assistance of lawyers upon the very points of law, marks the despotism of government most strongly; but it is neither its majority within doors, nor its army without, that can avert the execration, or the vengeance of an animated people.

Fabius Maximus concluding here, Curius Camillus (Mr. Serj. G—n) defended the conduct of the city magistrates upon the principles of legality in the following manner.

Mr. President, Sir,

THE present object of our consideration is extremely important: it is a dispute between the people and their representatives, between the privileges of this house, and the established law of the land. I do not deny, sir, that the law of parliament constitutes a part of the law of the land—but *then*, when the privilege of parliament is repugnant the known *lex terre*, to the obvious principles of the constitution, in that case I confidently decide for the supremacy of the latter, and insist, that the immemorial acquiescence of ages, or the joint act of the *three* estates must be necessarily superior to the private resolution



tion of any single branch of the legislative authority.

It is upon this principle, that the votes of this house are never put into competition with the writs of the crown. No court is bound to take notice of our votes; on the contrary, the judges are bound not to take notice of them, but to act in conformity to the laws; they are sworn to do justice without any attention whatever to the privy seal, or the great seal; and, consequently, if they are thus constitutionally placed above the commands of the head, they are placed above the resolutions of the lowest estate in parliament.

Was parliamentary privilege to be once indulged with a superiority over the law, an Englishman would be as insecure in his liberty, as the slaves of the Mogul: because the votes of each house might often be inconsistent; and because the two houses might differ in opinion as frequently hereafter, as they have heretofore differed upon great constitutional questions. In cases of such a kind what line of conduct would be left for the judge? The lords might declare privilege extended to matters, where the Commons denied its existence; and the commons on the other hand might assert, what was as peremptorily denied by the lords. In a case of that kind let me again ask, how the judge could possibly administer the law? Both opinions would be equally binding, and the principles of justice would be necessarily destroyed by a contradictory power that destroyed the principles of common understanding. This was the reasoning of my Lord Somers, Mr. President, and of all the patriots who effected the Revolution, and the inference is obvious, that the law should pay no regard to the resolutions of either house. For what purpose, sir, are laws established to regulate the decisions of magistrates, if it is criminal to execute these laws. Every justice of peace, every alderman of London, and particularly the Lord Mayor, is occasionally a judge; and he is notoriously punishable, if, in the commitment of any offender he deviates from the law of the land. He is besides guilty of perjury, if he does not act according to the spirit of his oath;

now, sir, admitting that magistrates had complaisance enough to be guilty of perjury, when you think proper to command them, who pray will enter into offices of magistracy, under the predicament at this moment establishing by the representatives of the people? Who will enter, when they are to be punished equally for executing or non-executing the laws; when the neglect of their duty exposes them to a prosecution from individuals, and the performance, calls all the thunder of parliamentary indignation upon their heads?

It is ridiculous to say, that the magistrate must not meddle with your privileges, Mr. President, when the law, of which he is only the executive minister, takes no notice of them. If we are the only judges of our own privileges, how is the magistrate to know what they are? In this case to keep him from offending, we should abolish the laws at once, and make our own resolutions the sole line of judicial rectitude. Yet, suppose, for argument sake, that the king, when his proclamation for apprehending Wheble and Thomson was disregarded by the city magistrates, had proceeded to the violent lengths which we are now proceeding, and had sent the magistrates to the Tower, is there a thinking man in England who would not have felt for the freedom of his country? Is there a thinking man in England, who would not have deemed the measure a violent attack upon his liberty? If then such a measure taken by the crown, would be held highly injurious to the constitution, why should it not be held equally injurious when taken by this house? The prerogative of the crown is as sacred as our privileges, if we have a right to punish for a contempt of the one, the crown has a right to punish for a contempt of the other. In laying the whole nation therefore at our own mercy, we lay it at the mercy of the crown. In our own tyranny, we establish the tyranny of the throne, and while we claim a power of trampling upon *magna charta*, hold out a blessed example for imitation to our sovereign.

[To be continued in our next.]



the Author of the Confessional. Continued from p. 131.

BUT to proceed. To force this practice of removing tests and subscriptions, and letting into our church such godly persons, the church, you observe, will not get the credit by a reformation, into which she is compelled by an unwelcome necessity, as would attend her undertaking it freely, out of her own bounty. I trust in God there is no fear of another Oliverian interregnum. The gates of such an hell will not, I hope, prevail against it. You observe, that the main objection to the church of England giving up her articles of religion is the fear of giving up her emoluments. Pardon me, this is not the reason: she knows that the resigning even her emoluments to dissenters will not do. She must resign episcopacy, ordination, confirmation, and many decent ceremonies; in short, she must resign every thing in church and state, and be dissenters. You are pleased to observe, that subscribing to articles of our religion has sent many pious young men starving into the world. Pardon me the repetition, I believe the contrary. Had they been admitted into our church, there would have been more danger of starving, when most of our livings are under £100. per annum: but if these pious men had any views to our emoluments, poor creatures, I pity them, and hope great will be their reward in the world to come.

Before I read your Confessional I was sensible that many, in days of yore, were forced abroad for not subscribing. But I have not lately heard of any—Have you, sir? I believe the pious youths, who were expelled the university of Oxford, would have subscribed for the honour of being admitted into our church. But this, you observe, is not all. There are many of the clergy who labour under a tormented conscience for having subscribed. Good conscientious creatures! they could subscribe for degrees, *salva conscientia*; for orders, *salva conscientia*; for good preferment, *salva conscientia*; but when snug and warm rich livings, then conscience flew to their faces. Then they could write against subscribing to articles by way of atonement for their sin of perjury

April, 1771.

I must presume; as an instance of which, the great Dr. Clarke (whom you mention with such honour) was such an one, if I am rightly informed. Do you think, that a man of his great and early learning did not read these articles with attention, for his degrees, for orders, and for his living, doubtless he did; but before he was in possession of the latter it was too soon to recant. The living of St. James, 800 l. per annum, was wanting; but when obtained, then conscience flew in his face; he was of your opinion, wrote against subscription, wrote against the first article of our religion in favour of Socinianism. But justice must here take place. This conscientious good man would not afterwards subscribe even for a bishoprick. Therefore to serve the man he was appointed master of the Mint. Had he then resigned his gown—his valuable living—he had been truly deserving of his coining office: but, like a certain disciple, he was too fond of the clerical bag. To apply your doctrine to this great man, p. 269, consistency required, that such should have withdrawn from the church, which usurped an authority that did not belong to her, and to have borne testimony against her in deeds as well as words. And, if report says true, the author of the Confessional is a dignified clergyman. If he is, let him follow his own advice—let him resign—let him give up his emoluments with a good grace before he is compelled; let him bear testimony against the church in deeds as well as words; then all will admire, all will revere him.

Permit me now to take notice of the frequent observations you have made on churches and their members.

I shall take notice first of honest old Rogers, whom you mention with a particular glee. He asserts, that every intelligent christian, with the scriptures before him, upon protestant principles, is a church to himself. He may be a good christian, but I never heard that one was a church.

Let us proceed to Mr. Lock's church, where three are gathered together: these we allow to be a church, and our Saviour has promised to be with them. But we must suppose these to be of one mind, one faith, one baptism, one hope of their calling: then this is a most



most desirable church. Let us now proceed from units (three) to tens, from tens to hundreds, from hundreds to thousands, and so on, where all agree in religious principles. Upon the strength of this they agree to have ministers as near to the infancy of the Gospel as possible: instead of apostles, presbyters and deacons—bishops, priests, and deacons. These draw up, by a general consent, some articles of religion, no matter what they are to those without the pale of this church, to which king, lords, and commons assent, and confirm by act of parliament. This church, extensive as it is, lives in peace and unity, love and concord: numbers are daily adding to it. Must the order, the peace of this established church be destroyed, and given up to some few flexible consciences, if any should arise among them, and to save some pious young men from starving? Must this church have new laws, or rather none at all? All to be on a level, churchmen, presbyterians, independents, puritans, baptists, moravians, methodists? If these dissenters of various denominations were to be admitted into this church, preach one Sunday what they think proper, and deny upon better information the Sunday following—what a confusion must this make? but this, you assert, is the best way of opposing popery—What would then become of decency and order recommended by St. Paul? “This decency, this order, Dr. Doddridge observes, is necessary, and left to each congregation, notwithstanding what may be decent in one may be indecent in another. We see, says he, the force of custom determining in many respects what is decent and what otherwise. Let us maintain a proper regard to this, lest our good should through our imprudence be evil spoken of, and all our infirmities be magnified into a crime.” St. Paul indeed exhorts his Corinthians to be perfectly joined together in the same mind, and in the same judgement. Let us hear Dr. Doddridge’s observations in his note on this text, (1 Cor. i. 11.) “It was morally impossible, writes he, considering the diversity of education and capacities, that they should all agree in opinion. Nor could the apostle intend that, because he does

not urge any argument to reduce them to such an agreement; nor so much as declare what *that* opinion was on which he would have them agree. The words must therefore express *That peaceful and unanimous temper which Christians of different opinions may and ought to maintain towards each other, which do much greater honour to the Gospel, and to human nature, than the most perfect unanimity that can be imagined.* Let us follow the worthy Doctor’s advice.

Permit me to observe, that I do not attempt to vindicate the articles of our religion, I leave that to persons of superior abilities: I only object to your assertion, that subscription to articles are needless; except to articles of *faith*, and *doctrine* of the sacrament: this admits of too great a latitude: we must determine what *faith* is. The first article of our religion the church of England will, I presume, never expunge in compliment to a future Clarke, or to any Arians or Socinians. The doctrine of baptism, as the church holds it, will never be given up to baptist-teachers, though a Doctor is at their head; nor the doctrine of the Lord’s supper to an Hoadley, though bishop of Winchester. But if any alteration could be made to the satisfaction of our church in general, no one wishes success to this undertaking with more sincerity than I do.

You are pleased to observe in the latter part of your book, *that the bishops have not authority to undertake a reformation—this is lodged in the crown.* Then you ask an invidious question—Did they ever apply? and your answer is of the same complexion—Black-all-black—To blacken the characters of the present worthy prelates and their predecessors, your answer is *I believe not.* In what manner would you have them petition? Let us know. But if they have no objection to the articles why should they petition? Let those of our church, who dissent petition, with you as their prolocutor: and let us hear what answer you receive. While the history of former days is in every one’s study it may be presumed (I hope without any offence) that the crown will not involve the nation in religious disputes to keep some pious young men from



or in a compliment to the author of the Confessional.

I am, sir, your servant,

March 3, 1771.

D. B.

*Amusing and instructive Queries by Thomas Sadler of Whitchurch, Shropshire.*

GEORGE BUCHANAN speaking of James king of Scots, when he intended to make war with England, says, a certain old man of venerable aspect, and clad in a long blue garment, came unto him, and, leaning familiarly upon the chair where the king sat, said, "I am sent unto thee, O king! to give thee warning that thou proceed not in the war thou art about, for, if thou dost, it will be thy ruin." Having so said, he passed through the company, and vanished out of sight; for by no enquiry it could be known what became of him. As we have strange accounts of apparitions in various eminent authors; should be glad to see the opinion of your learned correspondents to the above, i. e. Whether it was, or was not a real apparition?

II. Why do authors differ so much with respect to the finding King Arthur's bones: some say the bones of King Arthur and his wife Guinevere, were found in the vale of Avolan, under an hollow oak, fifteen foot under ground. The hair of the said Guinevere being then whole, and of fresh colour, but as soon as touched with powder. Others say the bones of this famous king was found at Glastenbury in an old sepulchre; on which sepulchre was written, "Here lyeth the noble king of Britain, Arthur, &c."

III. When, and upon what account, were the knights of the Rose ordained?

*New Mathematical Questions by Thomas Sadler.*

AT a certain water mill, what must the diameter of its water wheel be to have the greatest force possible, when the water falls perpendicular to the plain of the horizon  $12\frac{1}{2}$  feet?

*Question II. by the same.*

QUERE, the dimensions and figure of the greatest solid that can be composed of three right lines whose sum is given = 75?

*A Vindication of the common People of England from the Charge of Sedition.*

IT has been scandalously common, of late, to represent the people of England as naturally turbulent, seditious, riotous, and prone to insurrection, than which no charge can be more false. They are often particularly insulted with the mention of that which was headed by Wat Tyler, during the minority of Richard the second; but to the just reproach of those who are guilty of so doing, either for ignorance or want of candour, as the following were the real facts.

An unjust government and wickedly-partial parliament had imposed a general poll-tax, by which the richest and poorest were all rated alike. This justly might be, and accordingly was thought an intolerable grievance by the inferior orders of people, insomuch that discontents became general throughout the whole kingdom. During the fermentation of bad blood, so occasioned, an insolent collector of the odious tax had the brutal impudence to offer the most indecent violence to the daughter of a blacksmith before the father's face, under pretence of satisfying himself that she was of the age prescribed for taxation. Her indignant parent, fired at the horrid outrage, meritoriously beat the ruffian's brains out with a hammer, which he had in his hand; and for so doing was not punishable by the laws of his country. Upon this the people of several counties arose, and tumult, insurrection ensued. The wealthy, who had been favoured in that taxation, did not join them: therefore their measures were so ill concerted and conducted as to occasion their miscarrying. If the cry of the people was for levelling order and dividing property, it was because the tax had already done the former, by making no distinction of men in the laying on of burthens. The first aggressors, therefore, in injustice were, in a great degree, the authorizers of that pretension; and, in fact, to them was fairly imputable every consequent act of violence. What then is there to blame in that revolt of the oppressed English people, more than in the many we read of, with approbation, of the Roman Plebeians; who, as Machiavel

A a 2

justly



justly observes, were always in the right when they so acted.

No nation can have a fair pretence for reproaching Englishmen with a disposition to tumult, insurrection, or rebellion; and perhaps least of any the Scotch, who are indiscreetly too free with that treatment of them. It is not my wish to increase animosities, but to alluage them. Nor do I mean to reflect on a people when I remaind the Scots, not of the Clan insurrections of ancient times, nor even the worst of their modern practice, but of the Porteus execution, and the tumults and licentious proceedings on the late decision, in Scotland, of the Douglas cause; which Mr. Wedderburn declared, at the bar of the House of Lords, by far exceeded all the licentiousness that had been practised of late in this part of the united kingdom: nor in deed, from such causes, were the people of England ever in an equal degree licentious. There have undeniably been some such stretches of power and law lately made here as warranted alarms: and likewise some such applications of the military force as were not strictly constitutional. While the people not only see, but are made to feel the effects of such wrong policy and abuses as endanger the state and their liberties, they have a legal right to interpose for obtaining such reformatons as are become needful, and are not to be censured for so doing.

If tumults have been as common in Scotland as in England, in Ireland it may be urged, they have been more frequent, and generally attended with greater mischiefs. So likewise do they happen often in France, in Italy, in Spain, Portugal, and almost every other country in which people continue with the spirit and feelings of men. At Madrid, in their late insurrection, the Spaniards obliged their King to disband his Walloon Guards, and banish his foreign minister, who had fled from their fury. In Portugal there have

been often tumults, one not many years ago at Oporto, on the establishment of their wine company, which, tho' of little importance, their hound-blood of a minister called a Rebellion; and caused a number of poor harmless, aggrieved wretches to be executed, with such circumstances of solemn \* barbarity as were sufficient to disgrace the government of a nation even of savages. This was all military work, under the direction of a judge; who rode on horseback, in his robes, with a drawn sword in his hand, at the head of the soldiers, during the whole of their judicial proceedings, which indeed were very short.

But things were not always thus in Portugal, where an insurrection in the year 1640 raised the Braganza family to the throne of that kingdom, of which his present most faithful majesty is the fifth sovereign, and who has discharged the obligations of his family by enslaving his people in the very utmost degree. Another insurrection afterwards effected a revolution, by deposing one brother, for incapacity and abuse of power, and making the other regent, who afterwards became king, and was grandfather to his present Portuguese majesty. The Cortes, or Parliament of Portugal, existed till within the present century. They consisted of four orders, king, peers, clergy and commons: but they foolishly granted fixed taxes, and so made themselves useless: when the nobility and clergy made their court to the sovereign by exalting his authority, to the destruction of the rights of the people; which service has been since rewarded with their effectual † humiliation, and the extermination almost of the whole ancient nobility.

But while the late king of Portugal, who had a very good understanding, was gradually riveting the fetters of slavery on his people, though his spirit was high, and he was guilty of many acts of oppression, he bore opposition

\* One of which was the marching out in procession of the children of the sufferers, even to infants, to the place of execution, and round the gallows, while the dead bodies of their parents were suspended on it.

† The following very recent instance of their present abject condition is not a little remarkable. Some of the principal of the few remaining noble families having lately adjusted inter-marriages, the parental noblemen waited on the Conde de Oporto, now marquis of Pombal, to acquaint him therewith, and request his application for his majesty's consent. The Conde told them, he was surprized they proceeded



not only to his will, but even sometimes to his very \* power, and, upon discovering the disquits of his people, often altered his measures: nor were tumults and disturbances unfrequent in his reign.

It is ignorant, therefore, as well as malicious to represent the people of England as peculiarly prone to opposition and tumult; for they have been,

and occasionally are the vices, nay sometimes the virtues of all nations. If sovereigns can want to know on whom their reliance is with most security to be placed, the Marquis of Halifax has told them, the laws are the only guards that with safety they can trust, or that legal power is the only kind which without danger can be exercised. But with respect to men, Poland

so far without consulting the king. However he would inform his majesty, and let them know his royal pleasure. The speedy result was, they were told those engagements must be all entirely dissolved, and his majesty directed with whom the respective parties of either sex, were immediately to marry: which peremptory commands they found it necessary to comply with, to their infinite mortification, and probably complete unhappiness. Ponder on these proceedings, ye very courtly lords and ladies! who are for hanging all the unruly mob, as you very politely call the people, and exalting sovereign power, for the peace and welfare of this kingdom. And then proceed in your new study of Borelli, for the acquirement of wisdom and human felicity; whose books of travels are equally replete with falsehoods, puerilities, ignorance, and nonsense.

\* He imposed an inland tax on sugar, which, on finding it occasioned great murmuring among the people, he immediately took off again.

He laid another tax that was both ridiculous and grievous, which was humouredly opposed with insult, but to a happy effect: the circumstances of which may be thought extraordinary and entertaining.

The want of common-sewers in Lisbon, before its destruction by the late earthquake, made the carrying of human ordure out of houses, in large pots, a great employment for black women; many of whom, being slaves, maintained poor widows, with families of orphans, by such work. But a tax being laid of a third part, as I think, of such earnings, and some duties in that country being received in kind, when the day came on which the payment of the tax commenced, all the black women went with their third pot to the palace-door, where they told the soldiers on guard they were come to pay his majesty's tax in specie. This, as may well be supposed, caused a croud to assemble, the consequences of which were, much mirth and some disturbance. Our abusers of mobs must doubtless consider this as a gross insult offered to a king, who had made himself absolute, at the very door of his palace; and will naturally conclude they were all ordered immediately to be either cut in pieces or hanged. But no such thing was done. They were civilly desired to go off quietly with their loads: which they refused doing, and insisted on paying the tax in their own way, till the king sent them an order to depart, on his royal promise that the tax should be abolished, as it immediately was.

During his reign, likewise, a gentleman was condemned to be hanged for intriguing in a nunnery, it being considered as a kind of sacrilege. But as they were conveying him through the Fish-market to the place of execution, the matrons of the place all arose in his defence, and extorted a promise from the officers of justice, that the execution should be delayed till they had been to the palace to intercede for his pardon. On which they all went to the palace-door in a body, and sent up word to the king, that he ought not to suffer a man to be hanged, for doing only what he did every day himself: and continued so to clamour, till the pardon was granted. What they accused his majesty of was really a fact: for he did, at that time, nightly visit a nun in the convent of Odivellas; and what was more extraordinary, he always carried his confessor and the host with him in his carriage.

Towards the latter end of his reign he likewise obtained a brief from Rome to oblige all persons under confession to name accessaries in the commission of sins; which occasioned such murmurings and menaces in the metropolis, and probably throughout the kingdom, that government was afraid to attempt carrying it into execution. Thus, we may see, even absolute kings cannot always do whatever they please, but are sometimes awed from measures by people who are slaves.



now shews, as Scotland heretofore did, that entire reliance is not to be made on the chiefs of numerous clans. So likewise has England shewn it ought not to rest upon opulent parties, because their great object will be to serve themselves and their creatures, alike at the expence of the sovereign and community: neither ought it to be placed on mercenary forces, whether natives or foreigners, as we read or have beheld of imperial Rome, Persia, Turkey, Barbary, Russia and many other states. But reason and observation might serve to convince them, that with the utmost security it can be placed on a well-governed people.

*Essay on the Constitution of Great Britain.*

**O**NE of the most useful branches of knowledge, and of which no Briton should be ignorant, is that of the constitution of his native country. This is absolutely necessary in a nation where all are politicians, and were all are governed only by those laws which they or their fathers either personally, or by their representatives, were instrumental in forming.

The government of England was founded on principles of liberty; its constitution is the work of a wise and brave people, who considering that all power was derived from them, and was to be subservient to their happiness, committed it into the hands of the three states, who were to be a mutual support, and a mutual check to each other, and yet so ordered, that the interest of each is best promoted, by each confining itself within its proper bounds.

The king, who is here invested with the highest prerogative, has all the honours, and all the splendor of majesty, and is only limited where power might become tyranny, and where he might be capable of injuring either himself or his people. By this means we reap all the advantages, without any of the evils of a monarchical government. "A king, says a noble author, has a divine right to govern well. A divine right to govern ill, is an absurdity: and to assert it is blasphemy." The king of England has the power of doing good in its fullest extent. This is the only power that can give him true dignity and

distinguished honour: for it is not the least diminution to his glory that he is confined from doing what would tarnish his reputation, and render him infamous to posterity: on the contrary, this is a circumstance that renders him truly great, and raises him above all the tyrants of the earth. "Our king (says a modern patriot) in the truth and dignity of his office, transcends all other kings and emperors on the globe, as far as we excel all other subjects in liberty, so that he may not unjustly be called a king of kings; while most of the mighty monarchs of other nations, are no more than the masters of some herds of slaves." The king of England receives all his honour, power, and authority from the laws, and therefore at his mounting the throne, he binds himself by a solemn oath, to make them the rule of his conduct, and before he receives one oath of allegiance, is obliged to swear to observe the great charter of the English liberties; and thus, at his coronation, renews the original compact between the king and his subjects. He then becomes the head of the state, the supreme earthly governor, and is himself subject to none but God and the laws, to which he is as much bound to pay obedience, as the meanest subject. Though he has not the power of making laws, yet no law can be enacted without his consent; and though the execution of them is always intrusted to his care, he cannot seize the property of the most inconsiderable man in his dominions, except it be forfeited by law. On the contrary, the subject may without the least danger sue his sovereign, or those who act in his name, and under his authority; he may do this in open court, where the king may be cast, and be obliged to pay damages to his subject. He cannot take away the liberty of the least individual, unless he has by some illegal act forfeited his right to liberty, or except when the state is in danger, and the representatives of the people think the public safety makes it necessary that he should have the power of confining persons, and seizing their papers on a suspicion of guilt: but this power is always given him only for a limited time. The king has a right to pardon, but neither he nor the judges, to whom he delegates his authority, can condemn



condemn a man as criminal, except he be first found guilty, by twelve men, who must be his peers or his equals. That the judges may not be influenced by the king, or his ministers, misrepresent the case to the jury, they have their salaries for life, and not during the pleasure of their sovereign. Neither can the king take away, or endanger the life of any subject, without trial, and the persons being first chargeable with a capital crime, as treason, murder, felony, or some other act injurious to society; nor can any subject be deprived of his liberty for the highest crime, till some proof of his guilt be given upon oath before a magistrate; and he has then a right to insist upon being brought, the first opportunity, to a fair trial, or to be restored to liberty on giving sufficient bail for his appearance. If a man is charged with a capital offence, he must not undergo the ignominy of the being tried for his life, till the evidences of his guilt are laid before grand jury of the town or country in which the fact is alledged to be committed, and not without twelve of them agreeing to find a bill of indictment against him. If they do this, he is to stand a second trial before twelve other men, whose opinion is definitive. In some cases, the man (who is always supposed innocent till there is sufficient proof of his guilt) is allowed a copy of his indictment, in order to help him to make his defence. He is also furnished with the pannel, or list of the jury, who are his true and proper judges, that he may learn their character, and discover whether they want abilities, or whether they are prejudiced against him. He may in open court peremptorily object to twenty of the number\*,

and to as many more as he can give any reason for their not being admitted as his judges, till at last twelve unexceptionable men, the neighbours of the party accused, or living near the place where the supposed fact was committed, are sworn, to give a true verdict according to the evidence produced in court. By challenging the jury, the prisoner prevents all possibility of bribery, or the influence of any superior power: by their living near the place where the fact was committed, they are supposed to be men who know the prisoner's course of life, and the credit of the evidence. These only are the judges, from whose sentence the prisoner is to expect life or death, and upon their integrity and understanding, the lives of all that are brought in danger ultimately depend, and from their judgement their lies no appeal: they are therefore to be all of one mind, and after they have fully heard the evidence, are to be confined without meat†, drink, or candle till they are unanimous in acquitting or condemning the prisoner. Every jurymen is therefore invested with a solemn and awful trust, if he without evidence submits his opinion to that of any of the other jury, or yields in complaisance to the opinion of the judge: if he neglects to examine with the utmost care; if he questions the veracity of the witnesses, who may be of an infamous character; or after the most impartial hearing has the least doubt upon his mind, and yet joins in condemning the person accused, he will wound his own conscience, and bring upon himself the complicated guilt of perjury and murder. The freedom of Englishmen consists in its being out of the power of the judge ‡ on the bench to injure

\* The party may challenge thirty-five in case of treason, and twenty in case of felony, without shewing any cause, and as many more as he can assign cause against.

† Some have been fined for having fruit in their pockets when they were withdrawn to consider of their verdict, though they did not eat it. 1 Leon. Dyer. 137.

‡ "Some jurymen, says Mr. Clare, in his *English Liberties*, may be apt to say, that if we do not find as the judge directs, we may come into trouble, the judge may fine us &c. I answer, no judge dares offer any such thing; you are the proper judges of the matters before you, and your souls are at stake; you ought to act freely, and are not bound, tho' the court demand it, to give the reason why you bring it in thus or thus; for you of the grand jury are sworn to the contrary, viz. to keep secret your fellows counsel and your own: and you of the petty jury are no way obliged to declare your motives, for it may not be convenient. In queen Elizabeth's days a man was arraign-



injure them, for declaring a man innocent, whom he wishes to be brought in guilty. Was not this the case, juries would be useless; so far from being judges themselves, they would only be the tools of another, whose province it is not to guide, but to give a sanction to their determination. Tyranny might triumph over the lives and liberties of the subject, and the judge on the bench be the minister of the prince's vengeance.

These are the glorious privileges which we enjoy above any other nation upon earth. Juries have always been considered as giving the most effectual check to tyranny; for in a nation like this, where a king can do nothing against law, they are a security that he shall never make the laws, by a bad administration, the instruments of cruelty and oppression: was not it for juries, the advice given by Father Paul in his maxims of the republic of Venice might take effect in its fullest latitude. "When the offence is committed by a nobleman against a subject says he, let all ways be tried to justify him; and if that is not possible to be done, let him be chastised with greater noise than damage. If it be a subject that has affronted a nobleman, let him be punished with the utmost severity, that the subjects may not get too great a custom of laying their hands on the patrician orders." In short, was it not for juries, a corrupt nobleman might, whenever he pleased, act the tyrant, while the judge would have that power which is now denied to our king. But by our happy constitution, which breathes nothing but liberty and equity all imaginary indulgence is allowed to the meanest as well as the greatest. When a prisoner is brought to take his trial, he is freed from all bonds; and though the judges are supposed to be counsel for the prisoner, yet, as he may be incapable of vindicating his own cause, other counsel are allowed him; he may try the validity, and

legality of the indictment, and may set it aside, if it be contrary to law. Nothing is wanting to clear up the cause of innocence, and to prevent the sufferer from sinking under the power of corrupt judges, and the oppression of the great. The racks and tortures that are cruelly made use of in other parts of Europe, to make a man accuse himself, are here unknown, and none punished without conviction, but he who refuses to plead in his own defence.

But, after all this, does the king lose any part of his real dignity by not having the power to interfere, to rob and murder at pleasure? No. His honour results from the safety of his subjects, and the godlike power of diffusing only happiness, by a strict observance of the laws, and in sometimes softening the rigour of them with mercy. The royal prerogative consists, in the right of declaring war and making peace; in giving his assent to such new laws as he apprehends will be for the good of his subjects, and withholding it, when he believes that they would be hurtful; he is invested with the power of assembling, adjourning, proroguing, and dissolving the two houses of parliament, and consequently of putting a stop to the consultations of both, when he believes that they are acting inconsistent with the rights of each other, and the good of the community. He has the liberty of coining money. He is the fountain of honour; but though he gives nobility, their independence is secured by his not having it in his power to take it away. He has the right of commanding the army, and the militia is under his controul. His person is sacred, and a subject, for a single act of treason, not only loses his life, but his heirs are deprived of his estate. He is allowed a privy council to assist him with their advice, and the persons of those members of which this council is composed are also sacred.

*ed for murder before justice Anderson; the evidence was so strong, that eleven of the twelve were presently for finding him guilty, the twelfth man refused, and kept them so long that they were ready to starve, and at last made them comply with him, and bring in the prisoner not guilty. The judge, who had several times admonished him to join with his fellows, being surprized, sent for him, and discoursed him privately, whom, upon a promise of indemnity, he at last own'd, that he himself was the man that did the murder, and the prisoner was innocent, and that he was resolved not to add perjury, and a second murder to the first."*



1771. He has the supreme power in all causes ecclesiastical as well as civil, by which the clergy are divested of all dominion over the conscience, which is wisely left to him to whom it properly belongs, so that God who alone can search the heart, and by this means persecution is prevented, and religious liberty secured.

In every kingdom, and in every state there are always persons distinguished by birth, riches, and honours; advantages which give them such a considerable weight in the government that were they to be confounded with the multitude, they would have no interest in supporting liberty; for as most of the popular resolutions would be made to their prejudice, the public liberty would be their slavery. The share they are therefore allowed in the legislature, is in proportion to the interest they have in the state, and from hence it is that they form a body of nobles, that has a right to put a stop to the encroachments of the people, to counterbalance the right which the people enjoy, of putting a stop to their encroachments.

The legislative power is committed to these two bodies, to that of the nobles, and that of the representatives of the people, each of which have separate views and interests. But here there is this essential difference; for while the individuals who compose the house of commons enjoy their power for a limited time, and can only be restored by new powers given them by their constituents, the privileges enjoyed by the members of the house of lords are in their own nature hereditary. And this is more necessary, as their high prerogatives render them subject to popular envy, and consequently their privileges must, in a free state, be always in danger. The only advantage that can possibly arise from this is, that as their power is hereditary, they might be tempted to pursue their own interest to the prejudice of the public, and therefore to prevent this, where they might receive the greatest pecuniary advantages from being corrupt, as in the case of granting supplies, they have only the power of refusing, while the commons alone have that of enacting.

The great, we have already said, is always exposed to popular envy; April, 1771.

and therefore, were they to be judged by the people they might be in the greatest danger from their judges; they would then want the privilege of being tried by their peers, a privilege enjoyed by the meanest subject. They are therefore not to be tried by the ordinary courts of judicature, but by that part of the legislature of which each is a member. As all human compositions must be defective, and the best laws in some instances too severe; and as the national judges are mere passive beings, incapable of moderating either the force or rigor of the laws, this part of the legislature is here, as well as in the former case, a necessary tribunal, to whom it belongs to moderate the law. In their decisions they give not their opinions upon oath; but each laying his right hand on his heart, gives his verdict upon the single testimony of his honour. Thus are the lords invested with every outward mark of dignity, and with all the privileges necessary to maintain their rank in all its splendor; and yet are so limited, that they have not the power to encroach upon the rights and liberties of the inferior subjects.

But while the privileges of the lords are preserved, and other wise purposes answered by their having a share of the legislative power, the privileges of all inferior persons are secured by every man's having either in person, or by his representative, a share in the legislature, by which means no laws can be enacted or repealed, without the consent of the representatives of the majority of the nation. Thus the liberties of the commons are as strongly secured as the royal prerogatives, or as the privileges of the lords. The commons are the guardians of the public liberty: they are the deputies sent up from all quarters to make such laws as shall best promote the interest of the whole collective body. And though they have not the power of examining the meanest subject upon oath, yet can search into the conduct of the highest peer in the realm, and in the name of the people, impeach the favourite or minister of the king. They can call the judges to an account for the male-administration of their office, and bring all those to justice who make an ill use of their power. Thus the commons are the grand jury of the nation;



tion; but as it would be improper that those who are impeached in so high a court should be tried by a lower, which might be intimidated and overawed by the power of the commons, therefore to preserve the dignity of the peers, and the security of the subject, those whom they impeach are tried by the lords, whose superior dignity sets them above all influence, and who have neither the same interest nor the same passions.

Thus our happy constitution consists of three states, each of which has separate privileges, each is a check upon the other, and yet each is equally dependent. The first, which is the executive power, has the privilege of assembling, adjourning, proroguing, and dissolving the two legislative bodies: because these are supposed to have no will, except when they are assembled, and when they were assembled, if they had the right to prorogue themselves, they might never be prorogued; they might inroach on the executive power; they might become despotic, and even of these might destroy the liberties of the other. But as the executive power might make an ill use of this privilege, by never assembling the legislative, it is rendered dependent on these bodies, by their holding the sinews of government in their hands, and the granting necessary supplies only from year to year. The king indeed has a power to raise what forces he pleases; but the representatives of the people who grant the supplies, can only determine what number he shall be enabled to pay.

But while the representatives of the people have thus the important charge of watching over the preservation of our liberties, our trade, and our property, what care ought every county, city, and borough to take, to chuse such only as are qualified for performing this important task! for chusing such whose integrity will render them superior to the temptation of a bribe, whose wisdom is capable of managing our interests, and whose greatness of soul will make them think that they can never do too much for their country, and for their constituents. He who parts with his vote, and for a lucrative or selfish consideration, is instrumental in chusing one whom his conscience disapproves, and who is unqualified or

corrupt, is a fool and a madman; is unworthy the name of a freeman, since he, as much as is in his power, sells himself and his country, and can never have the least reason to complain, if he should live to see this happy constitution overturned, and our liberty and all our privileges destroyed.

To the EDITOR of the LONDON MAGAZINE.

S I R,

IT is enough to provoke any man's indignation to see how dogmatically the Monthly Reviewers censure other people, while they go on in one dull tenor themselves,

"And now to sense, and now to  
"nonsense leaning,

"Mean not, but blunder round a-  
"bout a meaning."

I have sometimes had thoughts of collecting enough of their blunders to fill a volume, but finding their little credit fall away apace, I shall content myself with giving you now and then a specimen. I now send you one from their Review for March, article 21. The Village oppress'd, a poem, of which they assure us, that "It is a feeble and unpoetical complaint of the imaginary miseries of a village oppress'd." Mark, Mr. Editor, the *leaning towards sense*, and the *leaning towards nonsense*; for if the miseries be *imaginary*, then is *not* the village *oppress'd*; and if the village be *oppress'd*, then are *not* the miseries *imaginary*. What pity it is that these critics should thus *blunder round about a meaning*, and not be able to hit upon it; but this (as they told us in Abbe Lancelotti's case) is very common with critics of great eminence. Had the Monthly Reviewers examined the merits and demerits of the above poem, they had probably brought on themselves much more disgrace than this blunder now occasions them; but being unwilling to grapple with the subject, they determined to slur it over with a *general condemnation*, and that in as few words as possible, yet by their own reason contradicted their malevolence, and being convinced that the *oppression* was *real*, inducing them to say so, although they had just before asserted the contrary. It is highly probable, that as by reason mentioned



mentioning the *subject* of the poem, they confessed *imaginary* miseries to be *real*; so had they twice mentioned the *execution*, they would then have informed us, that this *feeble and unpoetical* complaint was in *bold and bar-mountainous* numbers. Upon the whole, it is of very little importance what they have, or would have said, while their particular partiality, as well as their general dullness, is so well known. In respect to the *Village Oppressed*, it is only a matter in course to condemn it, after their having so often puffed books written on opposite principles, and even stooped to retail at second hand Mr. Comber's tedious, trifling, mistaken, and absurd criticism on Dr. Goldsmith's *Deserted Village*.

I shall only detain you, Mr. Editor, to testify my approbation of your having undertaken to tread down the arrogance of these *literary despots*, and to congratulate you and the publick on your success.

I am your's, T. H.

P. S. Let me notice one sagacious remark, out of many, in the Monthly Reviewers' account of Mr. Wimpsey's pamphlet last month. Mr. W. objects to exportation of corn with a bounty, because we often *export* it at a low price, and *import* it again a high one, which is an injury to the publick. In answer to which the Monthly Reviewers gravely assure us, that the benefit arising from this is that it *keeps the corn trade alive*.—

Ah, Mr. Editor, what an advantage it is to be wise!

To the AUTHOR of the LONDON MAGAZINE.

SIR,

As you have given my thoughts on Dreaming a place in the last number of your Magazine, I hope the following strictures on Laughter will meet with a like indulgence in your next. I am,

Chiswick,

April. 5, 1771.

Sir, your's, &c.

J. RENNIE.

ESSAY ON LAUGHTER.

*Ride, si sapias*—Mart.

PHILOSOPHERS seem to differ greatly in their opinions, in ascertaining that quality, or circumstance in objects, which disposes them to excite our laughter. Aristotle says, that

laughter is excited by the perception of some small turpitude, unattended with pain, and not very pernicious. This may be the case sometimes, as when we laugh at the foibles of men represented in comedy; but this is not the case universally. We laugh at the trick of kittens, puppies, and monkies; creatures in which there is no turpitude. A man cannot be charged with turpitude who stumbles and falls without any very apparent cause; and yet such an appearance, except when it is hurtful, does often excite our laughter.

Hobbs is of opinion, and he is followed by Mr. Addison in the 47th number of the Spectator, that laughter is occasioned by sudden glory or exultation, arising from a sudden conception of superiority in ourselves, compared with others, or with ourselves as we were formerly. Hobbs, indeed, endeavours on every occasion to represent human nature as ugly and detestable as possible; and here he resolves laughter into pride and self-conceit. But nothing can be more absurd. There are few persons in the world, who have any title to consider themselves superior in humour to Addison, or to Swift in wit, and yet no person, who understands the English language, and the feelings of a man, can read the writings of these admirable authors, without being often obliged to laugh.

Hutchinson says, that the ludicrous quality is no more than a mixture of dignity and meanness united in the same object. We readily grant that dignity and meanness blended together are generally ludicrous; but it is certain that we very often laugh at appearances, in which it is impossible to discern any mixture of dignity and meanness, as when we laugh at the tricks of a monkey or kitten.

Incongruity, or a surprising mixture of relation and contrariety seems to be that which constitutes the ludicrous quality, as when an effect and a cause are extremely disproportioned to one another; as when a man is suddenly discovered in an attitude, which, though not indecent, or criminal, is yet unsuitable and somewhat uncommon; as when an unexpected resemblance is discovered between objects apparently unlike; as



when meanness of expression is used in describing a sublime object, or pompous words applied in the description of mean objects.

Yet all incongruity is not ludicrous. Vice is an incongruity; many fashions of dress are incongruous; but custom reconciles us to the latter, and the former, instead of laughter, excites the more powerful emotions of pity or indignation. Ridiculous incongruity therefore must be in some measure new and surprising, and must be such as doth not excite any emotion or feeling more powerful, or more important, than that of laughter. When incongruity excites pity, sorrow, or anger, the ludicrous feeling not very powerful in its own nature, is, as it were, quite destroyed, and lost in the more important emotion.

*The Shipwreck and Adventures of Pierre Viaud, Translated from the French by Mrs. Griffiths, who has favoured the World with the School for Rakes, and many other approved performances.*

**M**R. Viaud, a French officer of reputation, tells us in this extraordinary narrative, that he, with one Monsieur Desclau, a merchant of St. Louis near St. Domingo, having entered into a partnership, hired a brigantine commanded by one Mr. La Couture, embarked on board this vessel, for Louisiana, on the 2d of January, 1766.—The whole company, consisting of passengers and all, amounted but to sixteen, among whom were Madame La Couture, the captain's wife, her son, a youth of fifteen, and negro slave belonging to Mr. Viaud. Their voyage was not long a prosperous one, the ignorance of the commander, and the badness of the weather, exposed them to continual dangers; yet after escaping a thousand deaths almost miraculously, they all landed on a desert Island, about the 19th. of February, to encounter dangers still more dreadful than any from which they had escaped.

There is scarcely a line of this interesting story which is not necessary to be related—our limits however, and the justice due to literary property, will not allow us more than an occasional extract; we shall therefore

begin where Mr. Viaud, Madame La Couture, and the negro, are left together on a barren Island; necessity, separating the little band of sixteen, and leaving the four here mentioned without fire arms of any kind or provisions of any kind, upon a desolate tract of country, without any inhabitants but the savages beasts and themselves.

“Six days had passed since the departure of Monsieur la Couture and Desclau; at sometimes I had slight hopes that we might possibly hear from, or see them return to our succour; but then again, my spirits soon sunk into despondency, and even Madame la Couture began at length to give them over for lost, and conclude that they must have perished at sea.

I could not pretend any longer to calm her fears and solitudes, who had myself so much stronger reasons than she to be confirmed in the same opinion: besides, the anxieties I had suffered, with the heaviness of my misfortunes, had soured my temper, and given me such a weariness and disgust, that I was, at length, rendered incapable of disguising my sentiments, or preserving any further management of them, with regard to others.

Tired to the last degree with my wretched situation, and knowing, of a sad certainty, that I had no one but myself now to expect any relief from, toward extricating us out of our deplorable circumstances, a thought occurred strongly to my mind, one morning, that I might possibly be able to collect sufficient materials together, on the island, capable of floating us over, some calm day or other, to the continent.

This idea operated in so lively a manner on my imagination, that I regretted my not thinking of it before the departure of my poor friends; they could have assisted me in such an undertaking, with better effect than all the labour we had thrown away together, or rather worse employed upon the fatal canoe. I was resolved therefore, to set about this work, without a moment's farther loss of time while I preserved sufficient strength of body and mind to execute it.

I instantly communicated my purpose to Madame la Couture, who seemed transported at the thought, and was immediately



immediately surmounting the natural feebleness of her sex, which her misfortunes had augmented, set her hand to the business with amazing vigour and spirit.

We all of us engaged in the work, without the least manner of delay; I employed the young man in stripping a parcel of trees of their bark, directing him to those which I thought might answer the purpose best, while his mother, the negro, and I assisted one another in dragging them down to the sea-side, with extreme labour, as our strength had been considerably impaired by fasting, watching, and former fatigue. At every five or six steps of the way, we were obliged to halt, and lay ourselves down to rest; and, as soon as we had recovered breath, returned to our work, with a resolution and perseverance, that nothing but the ardour of redeeming ourselves from this horrid exile could have inspired and supported.

We were almost exhausted by the time that the falling of night would otherwise have forced us to lay aside our labour, and had the pleasure, on our return to the fire-side, to find a large quantity of oysters, mussels, cockles, and other shell-fish, that the young la Couture had gathered, at low-water, upon the changing of the wind, which happened that evening.

Such kind of food is deemed unwholesome, and of bad digestion, eaten raw; therefore we broiled them on our charcoal, which was the first time we had ever taken this precaution, and we found it agree better with our stomachs. These fish lose all their dangerous qualities by cookery, becoming lighter, and more nourishing, but are less grateful to the palate; and we had nothing to season them with: we had no salt, nor knew we how to make any: the float, which engaged our whole attention, did not permit us leisure enough to set about such a manufacture. We were willing to forgive that, or any other commodity, rather than be confined for life, in so forlorn a situation.

The next morning, we set ourselves to our business again; the tough kinds of those trees which I had directed La Couture to strip, served us to bind the timber together; but, as we did not think those ligatures strong

enough to trust to, on our voyage, I made Madame La Couture cut up one of our blankets, into strings, for the purpose. My negro brought me several pieces of smaller and more pliant branches, with which we interwove the grosser timber, and my raft was completed, about noon. I then set up a stick, in the middle of it, which I fastened as well as I could, to serve for a mast, to which I tied a blanket, by way of sail; and then broke up our stockings, to form the thread into cordage, to shift it, as the wind might vary.

These lesser matters employed us for the rest of that day, when we finished the work, even to the fixing a small piece of timber behind, by way of rudder.

Being determined to set out, the next morning at break of day, we employed ourselves, even as late as it then was, in making a provision of some oysters and vegetables, of which we were lucky enough to collect a sufficient quantity to serve us at sea, and deposited them on the raft, which we had moored on the strand, waiting for the return of the tide, to set it afloat. The ebb generally commenced early in the morning, and we purposed the retiring along with it.

In expectation of this happy minute, we lay down to repose ourselves, before our fire, but slept very little; for there arose an horrid storm, in the middle of the night: the heavy rain, quick flashes of lightning, and loud thunder, soon roused us from our slumbers. The wind was high, and the waves grew boisterous.

This made us tremble for the safety of our raft, our sole *palladium*; and the raging of the elements having ceased, just at the dawn of day, we all ran down to the shore, to see how it had withstood the hurricane. But alas! it was no more! The waves had hurried it from its mooring, tore it to pieces and buried it in the sea, along with our whole stock of provisions, for the voyage. Our courage abandoned us all, upon this extremity of ill fortune, and we spent the whole day in condoling with each other, and lamenting the severity of our fate, without sparing one thought toward attempting any future relief, or even attending to the more immediate support of nature.



A new affliction was now added to our other miseries. Since the commencement of our misfortunes, we had none of us fallen ill; our healths had been happily still preserved, throughout all our difficulties; and we suffered no other inconveniencies, except want and weakness. My negro, while we were consoling one another, upon our present distress, had gone to search the border of the sea for some kind of sustenance, which, under the pressure of our present despondency, we had wholly neglected.

The tide was in, and he could not get at any sort of shell-fish; but happening to meet with the head and skin of a porpoise, he brought them to us in a sort of triumph at his success. It was almost come to a state of putrefaction, but hunger has no delicacy; so having broiled it, our craving stomachs greedily devoured every morsel of that food, which was so offensive both to our sight and smell.

About an hour after we had swallowed this meal, we were all of us seized with a most deadly sickness; our stomachs had been overcharged, and we could not contrive how to rid them of this irksome incumbrance. We had recourse to water, of which luckily there was plenty in the island, and drank large draughts of it; but this only eased us by degrees, as we had no method of making it warm. Our disorder turned to a dysentery which continued severely on us all, for about five days.

The design of constructing another float had occurred to me, the moment that I saw the former had been destroyed; but grief, disappointment, and fatigue, had put it out of my power to undertake such a work, on the first day; and we were none of us in a condition to set about it while our disorder continued; and, even after it had ceased, we were left in too weakly a state to attempt it.

However, the dread of the same, or some other disease, attacking us again, determined me to apply what little strength subsisted still among us, towards this so necessary purpose. It had been madness to have waited till our powers might have been so totally exhausted, as to disable us intirely from executing the project. I exhort-

ed Madame La Couture to second me; she made an effort on herself, as well as I, and we all applied ourselves to the work, except her son, who continued still extremely ill.

It was now about the 11th of April I speak by guess, and we laboured at this operation, without intermission, and with as much exertion of ourselves, as the enfeebled state of bodies we were reduced to would permit, and had the success to see it completely finished by the 15th of the same month at night.

We suffered double the fatigue in framing this raft, that we had undergone with the other; for the timber we were obliged to make use of, on this occasion, lay at a greater distance from the shore, as what was to be nearer had been all worked up, in the former one; so that the difficulty of rolling the trees to the sea-side must have been unsurmountable, in our then state of weakness, if hope and despair both had not united together, for the first time, to inspire the strength of our bodies with the spirit of our minds.

At every pause of labour, we trembled, lest bad weather should again overtake us, and interrupt our progress, or destroy the work as soon as it might be finished. And yet it was impossible to use any further precaution; it must be constructed on the beach, and as near the sea as could be, that the flowing of the tide might float it afloat, as all our united strength would not have been able to launch it of ourselves. The slightest cloud that appeared, or the least breeze that blew struck us with a panic, and made us foresee a tempest; and our fears tempted us often to quit the work, lest our labour should be a second time employed in vain.

We returned to it again, but without spirit, and labouring still under the utmost anxiety; for as we had sacrificed to this project, the rest of our blankets and stockings, if a storm should disappoint our hopes, as it had been done already, we should have had neither comfort or resource left us, but must have resigned ourselves without farther struggle, to destruction.

During the intire night of the 15th our fears ceased not for a single moment.



ment; even the serenity of the evening could not inspire us with confidence. We never thought of sleep, but spent the time in collecting together all the provisions we could, of fish, roots, and vegetables, and depositing them on our raft, as before; resolved to set out as soon as day-light appeared, if we should be so happy as to escape a renewal of the same misfortune and disappointment, which we had so severely experienced before.

The morning returned, at length, and opened with all favourable omens. I went to awaken young La Couture, to embark with us. He was the only one of us whose weakness and fatigue, having balanced his anxiety, had induced to sleep. I called him, but he made no reply: I took hold of his hand, to shake him from his slumber, but found him cold as marble, without movement or sensation. I concluded him to be dead, for some minutes; but feeling his naked breast, I perceived his heart was still beating, though with a feeble pulse.

Our fire was reduced to the last cinder; for, being in hopes of quitting the island every moment, and having no farther occasion for it, we took no care to renew it. I ordered the negro to put on fresh fuel, while I exerted myself in rubbing the poor young man's hands, legs, and arms.

Madame La Couture came to us, at that instant; but I shall not attempt to describe her situation, her grief, and exclamations, on the sight of her son. She fell into a swoon, by the side, which I thought would have put an end to her life. Occupied so materially about the son, what assistance could I afford to the mother! I, however, divided my cares between them, and appeared to stand in almost equal need of them.

The negro having made a good fire, I ordered him to raise up the young man, before it, and to warm him by degrees, while, by shaking the moisture, and sprinkling cold water on his face, I brought her, at last to her senses. I said every thing in my power for comfort, and give her hopes; but she remained still inconsolable, and grew as sick as if she had been dead.

Her son began, at length, to recover; the cold had overpowered him in

the night, which, joined to the weak habit he had been before reduced to, by sickness and labour, had thrown him into a state of lethargy, which must certainly have ended in death, if I had not luckily come, just at that instant, to his relief.

What a situation was mine, in these circumstances! Abandoned on a desert island, in want of every support and assistance, encumbered with two helpless persons, whom I could neither relieve nor for sake, and destitute of all manner of remedies, either for their weakness or disorder, having only a few oysters, some decayed roots, and vegetables, and a little cold water to supply them with.

And at what a critical time we were reduced to these unhappy circumstances! at the very moment when our hopes were highest, of extricating ourselves from our wretched condition of existence, and of flying to some happy spot of the earth, where we might expect to have met, with the solace and comforts of humanity!

There was no thinking of setting out on our voyage this day; both the mother and son were too ill and weak to attempt it, as their deaths appeared to be the immediate consequence. To leave them behind was a thought which shocked my mind, and which my heart was therefore incapable of; and yet to abide with them, appeared to be only to expose myself to further miseries and disappointments, which could finally terminate in no other redemption but death alone, by hazarding the destruction of this second raft, and seeing it wrecked at sea before my eyes.

This last idea, which my former experience had given me so strong an apprehension of, distracted my mind and perplexed my resolves, to such a degree, as no reason could combat, nor resolution conquer; and every thought, scheme, or reflection, only seemed to increase the difficulties of my purposes.

But this hesitation did not disturb me long; I determined to fulfil the obligations of humanity, and submitted my fate, at length, to all the hazards that must necessarily attend my staying with these unhappy objects; I surrendered myself up a victim on the altar of compassion, and put my trust



trust in the great Deity of benevolence, for my redemption.

I then ran down to the sea-side, and brought away the provisions we had confided to the raft. My heart bled inwardly at the sight of this our last and only hope, which perhaps in a few hours might be snatched from us for ever; I endeavoured to moor it in such a manner as might better enable it to resist the raging of the sea, if a second storm should assail us; I took away the mast, sail, and cordage, in short, every thing that we could not repair upon a second wreck, and laid them by in a safe place, beyond the reach of the waves; but the blanket particularly I brought up to our invalids, who needed the comfort of it in their weakly state.

I spent the rest of the day in assisting and comforting the mother and the son, doing and saying every thing in my power that I thought might strengthen and encourage them, and remove all obstacles to our departure.

The grief of Madame La Couture, and her fears about her son, were the sole cause of her disorder; these I contrived to dissipate in part, not in giving her hopes that I had not myself, being thoroughly persuaded that he could not recover, but by inspiring her with resolution to bear the misfortune, and a perfect resignation to the will of heaven.

I thought it better thus to prepare her for the event I expected, and which I apprehended would happen before the next morning, than to amuse her with insincere hopes; for indeed he was reduced by this time to the most deplorable situation imaginable; he had wholly recovered his senses, but his feebleness was so great that he was obliged to lye stretched on the ground, in his blanket; his limbs could not support his body, either to stand, or sit up, and it was with the utmost difficulty he was enabled to turn himself from one side to the other.

I lay awake that whole night, by his side, watching to lend him any assistance he might stand in need of; nor did he close his eyes, but spoke to me frequently, returning me thanks for my kindness and attentions, and regretting extremely his happening to be the cause of retarding our voyage.

I never in my life heard any thing so tender and affecting, as the expression this poor young man addressed to me, on this melancholy occasion. He had an excellent natural understanding, with a quick and deep sensibility, and a spirit and firmness of mind far beyond his years.

About break of day he found himself growing worse; and I had the precaution to keep his mother at a considerable distance from him, that she might not see him in his last agonies. This is a spectacle that is shocking to common spectators, what must it be to a parent! I knew well that all the fortitude I had taken such pains to inspire her with, would have failed her at such a sight, which has double the effect on our minds that the mere hearing of it has.

The young man exerting all his strength spoke to me thus. "Accept sir, my thanks for all the kindness you have shewn me; and pardon the anxiety and trouble I have given you, which can now no longer soothe or serve me. I feel the hour of death approaching.—I shall never quit this island, and were heaven to prolong my days, I could not accompany you in your voyage; my legs refuse their support, and can no longer bear me; were I even arrived on the continent, they have not strength to convey me from the borders; and habitations are rarely found upon the coasts. I must then be left in the woods, a prey to wild beasts, and experience dangers still more dreadful than I have already sustained.

Let me advise you, (said he, after a short pause) to be gone; take the advantage of the present moment, and the raft you have prepared, if that should be lost, you have no other means of relief." Then pressing my hand between his, the tears starting from his eyes: "Take with you, (said he) take my dear mother; the knowing that she is under your care shall yield a consolation to my latest moments. Leave me what provisions you can spare; if heaven should yet lend me life a little longer, I may want them. When you are arrived in any place of safety, you will not forget me, but will have the humanity, I doubt not, to return hither again, and to afford me that succour and re-



lest that I must certainly stand in need of, should I be found yet alive; or piously supply the rites of sepulture, should you, as most probable, find me dead.

Make no reply, (said he, perceiving I was about to interrupt him,) what I require is just; the uncertain hope of seeing me in a condition to accompany you, ought not to make you risk the certain danger of perishing with me,—no; I will die, alone.—Dear friend, be gone, protect my mother; hide from her the condition I am reduced to, and the counsel I have given.—Comfort her,—and depart.”

I stood mute and astonished, during his discourse; a thousand ideas rushed confusedly into my mind, tho’ all concurring in this one, that our deliverance depended on following his advice; and cruel necessity urged me to comply, while humanity, compassion, and tenderness, opposed it. Agitated by these different emotions, I clasped him in my arms, whilst my flowing tears bedewed his dying face. I applauded his fortitude, and exhorted him to persevere in it, to the last moment; and parted from him without rendering him still further unhappy, by mentioning the state of irresolution I yet remained in, about following the counsel he had so strongly and generously recommended to me.

When I retired I was wholly wrapped up in reflections on his discourse; I admired it, and thought, with horror, that we must unavoidably perish all together, if I delayed to undertake the adventure he had pointed out to me; and yet the idea of abandoning him in so forlorn a situation, shocked my humanity, and suspended my resolve. I could have borne him on my shoulders to the raft, and have given him every assistance, during the passage; but then what was to become of him, on our landing? we could carry him no further; and where could we repose him then, with safety? his state on the island was attended with less dangers, than those to which he must be necessarily exposed, in this journey: there was no wild beast to fear, and some conveniences were already provided for him.

Dwelling on this idea, for some time, my mind became more familiar April, 1771.

with it, and by degrees the thought of leaving him behind me, began to appear less repugnant to my feelings. My own preservation, his mother’s also, our inevitable destruction, in the present circumstances of our fate appeared to be a sufficient dispensation from attending one moment longer to any other consideration.

I flattered myself that our voyage would be short; and that we should presently arrive at some inhabited part of the continent, were I might find a boat and such assistance as would enable me to return immediately, and restore him to his mother’s arms. This prospect, however improbable in itself, appeared then to the warmth of my hopes and wishes, to be no unlikely event. And yet, notwithstanding such a reflection, I could not bring myself to put my resolves into execution, all that day.

In the evening I returned to the young man again, who reproved my delay, in the most effecting terms: “If, (said he,) your stay here could procure me even a respite from death, I might not, perhaps, oppose it; but your best efforts cannot avail me, now. I may, perhaps, linger out a day, or two, longer, while another storm may arise, and carry off the float, on which your only trust depends at present. You will then lament in vain that you had not taken my advice; and your distress will be the more aggravated, by finding that your delay has neither afforded me consolation, or assistance. I shall then expire before my dear mother’s eyes, and carry with me to the grave the melancholy assurance that she will not long survive me. In the mean time I shall leave her overwhelmed with sorrow, and despair; every object in this place, which she can then have no hope of ever quitting, will revive my image to her mind, and renew the source of her griefs, which absence, time, and change of place my serve to weaken and relieve. Take the advantage of this night, to make your preparations, collect your provisions together, leave me the smallest portion of them, and depart at dawn of day; do not disturb my mother, till you are ready to embark; suffer her to imagine that I—no more, and that you would remove



her from a sight that might distract her: leave her still in this error, but endeavour to console her under it."

The state in which I beheld this young man, his amazing composure of mind, with the urgent necessity we were under, at last determined me. I took the coverlet he had over him, and gave him, in its stead, a surtout I had on; I stripped myself also of my waistcoat, and put it on him, leaving him accommodated with every thing that it was then in my power to provide him with.

While I was setting up my mast, to which I fastened the coverlet, by way of sail, the negro collected for us a large quantity of shell-fish, which soon compleated my little cargo of sustenance. I took some of them and dried them by the fire, which, with what other aliments I could procure, I placed within the reach of La Couture. The spring was now advanced, the nights were no longer cold, and fire therefore became less necessary to him.

I then laid myself down to rest, for some hours, waiting for that of my departure, but could not sleep; so that I passed the time in conversing with the poor invalid, who reposed as little as I, and who made the most generous efforts on himself, all the while, in persuading me to bear our separation with fortitude, and requesting, at the close of every period, that I would comfort and protect his mother; but the violence he did himself, in his exertion of his strength and spirits, overcame him at last, and an hour before day he appeared to be deprived of all sense and motion.

My utmost endeavours could not bring him to himself, and I gave him up for dead. I must confess that I thought this an happy release to him, and a consolation also to myself, as I should now be able to quit him without any manner of regret; but at day-break I perceived he yet breathed, tho' he remained still speechless, and seemed to be in the last agonies of death. I left him, however, all the necessaries I could; I filled the shells of the oysters with fresh water, and placed them so near him, that should he ever happen to recover strength enough to need it, he might not want refreshment; not

that I had the least hope, in so doing, that he could ever survive to a state capable of receiving benefit from my care.

Having thus done all in my power towards his preservation, I recommended him in my prayers to heaven, and then went to take charge of his mother, whom I awaked, with some difficulty. "Madam (said I, hastily,) we must be gone; heaven ordains it, and 'tis our duty to submit to its decrees. Let us hasten from hence, time presses, and a moment's delay may be irreparable,"—Ah, (cried she out) my son is no more!—my husband dead!—all, all is lost!"—

Here she stood silent, while floods of tears supplied the place of less expressive words; nor did I attempt to stop their natural course; but led her immediately to our raft, to which she made not the least resistance. I feared she would have asked to see her son, which might, perhaps, have ruined our design, by retarding our voyage, for another day, and have rendered her incapable, also, of undertaking it, at all by depriving her of the strength which was so necessary for her to preserve, on so trying an occasion; but happily she had no idea but that her son was far beyond all human care; and, indeed, I was myself so fully assured of it, that, in addressing my prayers to heaven, while I guided the float; I recommended his departed soul, as well as our safety, to its Providence.

It was on the 19th of April, if my memory fail me not, that we left the island; and, after twelve hours sail, happily reached the continent, without the least accident or inconvenience, except that of labour and fatigue. The first thing we did was to thank the supreme being for our safe landing; we forsook the raft, after having taken out our provisions, blankets, and cordage, and endeavoured to advance into the country; but found it impracticable; it being for the most part overflowed, which greatly distressed us, and evinced, that our troubles were not yet at an end, but pursued alike, by sea and land.

[To be continued.]



*Interesting Anecdotes of the Scotch Highlanders. From Sir John Dalrymple's Memoirs of Great Britain and Ireland.*

TO mark the singular features of singular characters, says Sir John, is one of the chief provinces of history.—Dundee, who commanded a body of highlanders for James the Second, after the abdication of that prince, was a most extraordinary man. He had inflamed his mind from his earliest youth by the perusal of ancient poets, historians, and orators, with the love of the great actions they praise and describe. He is reported to have inflamed it still more, by listening to the ancient songs of the highland bards. He entered into the profession of arms with an opinion, that he ought to know the services of different nations, and the duties of different ranks: With this view, he went into several foreign services; and when he could not obtain a command, served as a volunteer. At the battle of Seneffe, he saved the prince of Orange's life. Soon after, he asked one of the Scotch regiments in the Dutch service. But the prince being pre-engaged, refused his request. Upon this he quitted the Dutch service, saying, "The soldier who has not gratitude cannot be brave." His reputation, and his services against the covenanters, obtained him a regiment from Charles II. and a peerage and high command in the army from his successor. In his exploits against these men, his behaviour had been sullied by the imputation of cruelty: He excused himself by saying, "That, if terror ended, or prevented war, it was true mercy."

Dundee had orders from his master not to fight M'Kay (King William's general) until a large force which was promised from Ireland should join him: hence he was kept, during two months, cooped up in the mountains, furious from restraint. He was obliged continually to shift his quarters by prodigious marches, in order to avoid, or harass his enemy's army, to obtain provisions, and sometimes to take advantages\*: the first messenger of his approach was generally his own army in sight: the first intelligence of his retreat brought accounts, that he was already out of his enemy's reach.

In some of those marches † his men wanted bread, salt, and all liquors except water, during several weeks; yet were ashamed to complain, when they observed that their commander lived not more delicately than themselves. If any thing good was brought him to eat, he sent it to a faint or sick soldier: if a soldier was weary, he offered to carry his arms. He kept those who were with him from sinking under their fatigues, not so much by exhortation, as by preventing them from attending to their sufferings. For this reason he walked on foot with the men; now by the side of one clan, and anon by that of another: he amused them with jokes: he flattered them with his knowledge of their genealogies: he animated them by a recital of the deeds of their ancestors, and of the verses of their bards. It was one of his maxims, that no general should fight with an irregular army, unless he was acquainted with every man he commanded. Yet, with these habits of familiarity, the severity of his discipline was dreadful: the only punishment he inflicted was death: "All other punishments, he said, disgraced a gentleman, and all who were with him were of that rank; but that death was a relief from the consciousness of crime." It is reported of him, that having seen a youth fly in his first action, he pretended he had sent him to the rear on a message: the youth fled a second time: he brought him to the front of the army, and saying, "That a gentleman's son ought not to fall by the hands of a common executioner," shot him with his own pistol.

The army he commanded was mostly composed of highlanders from the interior parts of the highlands: A people untouched by the Roman or Saxon invasions on the south, and by those of the Danes on the east and west skirts of their country: the unmixed remains of that Celtic empire, which once stretched from the Pillars of Hercules to Archangel. As the manners of this race of men were, in the days of our fathers, the most singular in Europe, and, in those of our sons, may be found no where but in the records of history, it is proper here to describe them.

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\* M'Kay's Memoirs, M. S.

† Dundee's Memoirs.



The highlanders were composed of a number of tribes called Clans, each of which bore a different name, and lived upon the lands of a different chieftain. The members of every tribe were tied one to another, not only by the feudal but by the patriarchal bond: for while the individuals which composed it were vassals or tenants of their own hereditary chieftain, they were also all descended from his family, and could count exactly the degree of their descent, and the right of primogeniture, together with the weakness of the laws to reach inaccessible countries, and more inaccessible men, had, in the revolution of centuries, converted these natural principles of connexion betwixt the chieftain and his people, into the most sacred ties of human life. The castle of the chieftain was a kind of palace, to which every man of his tribe was made welcome, and where he was entertained according to his station, in time of peace, and to which all flocked at the sound of war. Thus the meanest of the clan, knowing himself to be as well born as the head of it, revered in his chieftain his own honour; loved in his clan his own blood; complained not of the difference of station into which fortune had thrown him, and respected himself: the chieftain in return bestowed a protection, founded equally on gratitude, and the consciousness of his own interest. Hence the highlanders, whom more savage nations called Savage, carried, in the outward expression of their manners, the politeness of courts without their vices, and, in their bosoms, the high point of honour without its follies.

In countries where the surface is rugged, and the climate uncertain, there is little room for the use of the plough; and, where no coal is to be found, and few provisions can be raised, there is still less for that of the anvil and shuttle. As the Highlanders were, upon these accounts, excluded from extensive agriculture and manufacture alike, every family raised just as much grain, and made as much rayment as sufficed for itself; and nature, whom art cannot force, destined them to the life of shepherds. Hence they had not that excess of industry which reduces man to a ma-

chine, nor that total want of it which sinks him into a rank of animals below his own.

They lived in villages built in valleys and by the sides of rivers. At two seasons of the year they were busy: the one in the end of spring and beginning of summer, when they put the plough into the little land they had capable of receiving it, sowed their corns, and laid in their provision of turf for the winter's fuel; the other, just before winter, when they reaped their harvest: the rest of the year was all their own for amusement or for war. If not engaged in war, they indulged themselves in summer in the most delicious of all pleasures; to men in a cold climate and romantic country, the enjoyment of the sun, and of the summer views of nature; never in the house during the day, even sleeping often at night in the open air, among the mountains and woods. They spent the winter in the chase, while the sun was up; and in the evening, assembling together round a common fire, they entertained themselves with the song, the tale, and the dance: but they were ignorant of sitting days and nights at games of skill or of hazard, amusements which keep the body in inaction, and the mind in a state of vitious activity!

The want of a good, and even of a fine ear for music, was almost unknown amongst them; because it was kept in continual practice among the multitude from passion, but by the wiser few, because they knew that the love of music both heightened the courage, and softened the tempers of their people. Their vocal music was plaintive, even to the depth of melancholy; their instrumental either lively for brisk dances, or martial for the battle. Some of their tunes even contained the great, but natural, idea of a history described in music: the joys of a marriage, the noise of a quarrel, the sounding to arms, the rage of a battle, the broken disorder of a flight, the whole concluding with the solemn dirge and lamentation for the slain. By the loudness and artificial jarring of their war instrument, the bag-pipe, which played continually during action, their spirits were exalted to a phrenzy of courage in battle.

They joined the pleasures of history



and poetry to those of music, and the love of classical learning to both. For in order to cherish high sentiments in the minds of all, every considerable family had a historian who recounted, and a bard who sung, the deeds of the clan, and of its chieftain: and all, even the lowest in station, were sent to school in their youth; partly because they had nothing else to do at that age, and partly because literature was thought the distinction, not the want of it the mark, of good birth.

The severity of their climate, the height of their mountains, the distance of their villages from each other, their love of the chase and of war, with their desire to visit and be visited, forced them to great bodily exertions. The vastness of the objects which surrounded them, lakes, mountains, rocks, cataracts, extended and elevated their minds: For they were not in the state of men who only know the way from one market-town to another. Their want of regular occupation led them, like the ancient Spartans, to contemplation, and the powers of conversation: powers which they exerted in striking out the original thoughts which nature suggested, not in languidly repeating those which they had learned from other people.

They valued themselves, without undervaluing other nations. They loved to quit their own country to see and to hear, adopted easily the manners of others, and were attentive and insinuating wherever they went: but they loved more to return home, to repeat what they had observed; and, among other things, to relate with astonishment, that they had been in the midst of great societies, where every individual made his sense of independence to consist in keeping at a distance from another. Yet they did not think themselves entitled to hate or despise the manners of strangers, because these differed from their own. For they revered the great qualities of other nations; and only made their failings the subject of an offensive merriment.

When strangers came amongst them, they received them, not with a ceremony which forbids a second visit, not with a coldness which causes repentance of the first, not with an embarrassment which leaves both the

landlord and his guest in equal misery, but with the most pleasing of all politeness, the simplicity and cordiality of affection; proud to give that hospitality which they had not received, and to humble the persons who had thought of them with contempt, by shewing how little they deserved it.

Having been driven from the low countries of Scotland by invasion, they, from time immemorial, thought themselves entitled to make reprisals upon the property of their invaders; but they touched not that of each other: so that in the same men there appeared, to those who did not look into the causes of things, a strange mixture of vice and of virtue. For what we call theft and rapine, they termed right and justice. But, from the practice of these reprisals, they acquired the habits of being enterprising, artful, and bold.

An injury done to one of a clan, was held to be an injury done to all, on account of the common relation of blood. Hence the highlanders were in the habitual practice of war: and hence their attachment to their chieftain, and to each other, was founded upon the two most active principles of human nature, love of their friends, and resentment against their enemies.

But the frequency of war tempered its ferocity. They bound up the wounds of their prisoners while they neglected their own; and, in the person of an enemy, respected and pitied the stranger.

They went always completely armed: a fashion, which by accustoming them to the instruments of death, removed the fear of death itself; and which, from the danger of provocation, made the common people as polite, and as guarded in their behaviour, as the gentry of other countries.

From these combined circumstances, the higher ranks and the lower ranks of the highlanders alike, joined that refinement of sentiment, which, in all other nations is peculiar to the former, to that strength and hardness of body, which, in other countries, is possessed only by the latter.

To be modest as well as brave, to be contented with the few things which nature requires; to act and to suffer without complaining, to be as much ashamed of doing any thing insolent or injurious to others, as of bearing



bearing it when done to themselves, and to die with pleasure, to revenge affronts offered to their clan or their country; these they accounted their highest accomplishment.

Their christianity was strongly tinged with traditions derived from the antient bards of their country: for they were believers in ghosts: they marked the appearances of the heavens; and, by the forms of the clouds, which in their variable climate were continually shifting, were induced to guess at present, and to predict future events; and they even thought, that to some men the divinity had communicated a portion of his own prescience. From this mixture of system, they did not enter much into disputes concerning the particular modes of christianity; but every man followed, with indifference of sentiment, the mode which his chieftain had assumed. Perhaps to the same cause it is owing, that their country is the only one in Europe, into which persecution never entered.

Sir John Dalrymple proceeds after this to describe the dress, and the manner of fighting in use among the highlanders, but as these are well known, we shall not trespass on the reader with the extract. We shall however conclude this account with the affecting history of an hundred and fifty Scotch officers, who followed the fortunes of James into France, after Dundee was killed at Killicranky, and peace restored to the highlands.

*The affecting History of an hundred and fifty Scotch Officers.*

**A**LTHOUGH the fate which attended those officers in France falls beyond the period of time to which these memoirs are confined, a digression will perhaps be pardoned, that describes adventures, which were worthy of the happiest days of Athens or Sparta. The officers were an hundred and fifty in number, all of honourable birth, attached to their chieftains and to each other, in their political principles only to blame, yet glorying in them. Upon their arrival in France, pensions were assigned them by the French king: But, upon the conclusion of the civil war, these pensions were withdrawn; because the object no longer existed for

which they had been given. Finding themselves therefore a load upon the late king, whose finances could scarcely suffice for himself, they petitioned that prince, for leave to form themselves into a company of private centinels, asking no other favour, than that they might be permitted to chuse their own officers. James assented. They repaired to St. German's to be reviewed by him, before they were modelled in the French army. A few days after they came, they posted themselves in accoutrements borrowed from a French regiment, and drawn up in order, in a place through which he was to pass as he went to the chace; an amusement of which he became passionately fond, after the loss of his kingdom. He asked who they were; and was surprised to find they were the same men, with whom, in garbs better suited to their ranks, he had the day before conversed at his levee. Struck with the levity of his own amusement contrasted with the misery of those who were suffering for him, he returned pensive to the palace. The day he reviewed them, he passed along the ranks, wrote in his pocket-book, with his own hand, every gentleman's name, and gave him his thanks in particular; and then removing to the front, bowed to the body, with his hat off. After he had gone away, still thinking honour enough was not done them, he returned, bowed again, but burst into tears. The body knelt, bent their heads and eyes steadfast upon the ground; and then starting up at once, passed him with the usual honours of war, as if it was only a common review they were exhibiting. They were sent from thence to the frontiers of Spain, a march of one hundred miles, on foot. Wherever they passed they were received with tears by the women, with respect by some of the men, but with laughter at the awkwardness of their situation by most of them. They were alwise the foremost in battle, and the last in retreat. Of all the troops in the service, they were the most obedient to orders. Twice only they disobeyed: the first time was at the siege of Roses; where they had fallen into diseases, and been ordered to quit the camp for their recovery; but they delayed to obey, until they had sent a remonstrance to Madrid.



1771.

Moilles, against what they termed an affront. The second instance of their inattention to orders, was upon the following occasion: the Germans had made a lodgement in an island in the Rhine: the French, from an opinion that the river was impassable without boats, had ordered a number for the passage; among other troops intended for the service, this company was ordered to keep a station opposite to the island, until the boats should arrive: but finding, upon examination, the ford, though difficult, not impassable, they, according to the custom of highlanders in wading thro' rivers, joining their hands together, and entering the river in a line with its current, the strongest men in the upper part, and the weaker in the under, so that those, who were highest up the stream, broke all its force, and tying their arms and clothes on their shoulders, passed to the island in sight of both armies on the opposite banks, and drove ten times their number from the lodgement. The French cried out in admiration, "A gentleman, in whatever station, is still a gentleman." "Le gentilhomme, est toujours gentilhomme." The place is called *l'Isle d'Ecosse* to this day.

All collective human virtues are allied with the selfishness of individuals. The officers, to whom they had yielded their independence, and whom they had chosen to command their equals, cheated them of their pay, poor as it was, of their cloaths, and of presents which the generous had set them. The French, inattentive to their patience, fatigues, and services, sent them from the frontiers of Spain to Alsace, a march as long as the former. In this march, their cloaths fell to tatters: after they passed Lyons, the country was covered with snow: they often wanted the necessaries of life: yet no complaints were heard amongst them, except for the sufferings of him whom they accounted their sovereign. After six years service, they were broke, when the peace was concluded, on the higher part of the Rhine, 1500 miles from their homes, and without any provision made for them. At that time, only sixteen of them had survived the fate of their companions; and of these only four arrived in Scotland, to give warning, by their example, to their countrymen, though, to too many of them, in vain, to distrust

for ever the promises and flatteries of France\*.

## MATHEMATICAL IMPROVEMENTS.

**T**HE bette to elucidate Mr. Lyle's tables we have given a copper-plate for the convenience of our readers. *Examples with the New Perpetual Pocket Table. By Mr. Lyle.*

## QUESTION I.

**REQUIRED**, what day of the week is New Year's day for any year, suppose 1890? This is found by the 13th or inmost circle in the table.

Description of the circle and rule for its use.

The 13th circle contains the number of New Years days of the week for any year past or to come counting round it backward or forward, adding or omitting one day every 130 years, &c. before or after 1752, 1769 being one Sunday at the beginning of the table.

1890, subtracting the years from one another, is 121 years after 1769, which begins the table. Instead therefore of counting the numbers round the table forward for every year, beginning with 1769 and ending with 1890, which I might soon do, if I had not pen and ink, I divide 121 by 28, and the remainder, I count to the number required, saying 1 Sunday, 2 Monday, &c. and 9, 4, which is Wednesday. But because this year is a few years more than one, 130 years after 1752, according to the rule, I omit or subtract one, and the number is 3, which is Tuesday, and New Year's day of the week, 1890. Obs. in time past to count from the end backward.

**II.** Required, the moon's age or New Year's day at 12 o'clock in the morning for any year? Suppose 1890. This is found by the 12 being one circle carried twice round the table.

Description of the circle and rule for its use.

The 11th and 12th article contains the moon's age at 12 o'clock in the morning for any year subtracting or adding 6 hours (or more exactly 5 hours 52 mins,  $\frac{1}{3}$ ) backward or forward every circle, which is 76 years.

In the same manner as in last example instead of counting round the circle to 1890 to find the moon's age. I subtract a circle and a half, or 76 and 38 years, and the remainder is 7, which I count forward in the second half of the circle, saying first year, 22 days 11 hrs.

\* There are men now living in Scotland who were acquainted with some of the four.



2d. year, 3 days 13 hrs. &c. and the 7th year, 29 days 4 hrs to which 5 hrs 52 mins.  $\frac{1}{3}$  or 6 hours for one complete circle being added, the moon's age at 12 o'clock in the morning, 1890 is 29 days and 10 hours. Obs. in counting backwards, 1 tabular difference always to be subtracted.

III. Required, the sun's distance from the node for any year at the same time, suppose the same year? This is found by 9th and 10th circle, being one circle in the same manner.

Description of the circle and rule for its use.

The 9th and 10th circle contains the sun's distance from the node for any year at the same time, adding or omitting,  $30^{\circ} \frac{1}{4}$  (or more exactly,  $30^{\circ} 33' \frac{1}{2}$ ) for every circle, which is also 76 years forward or backward from 1769. This instead of counting, may be found in that year of the circle, in which the moon's age was found: the same time and which corresponds to it in the table.

I look, therefore, into the table, and corresponding to 29 days 4 hrs. moon's age, I find  $39^{\circ} 33'$  to which I add for one complete circle,  $30^{\circ} 33'$  and the sum is  $70^{\circ} 6'$  the sun's distance from the node on New Year's day, at twelve o'clock in the morning, 1890.

IV. Required, where Hydra's heart (which is the star for the months of January and February) souths at night in any year, suppose the 6th of January the same year? This is found by the 8th circle.

Description of the circle, and rule for its use.

The 8th circle contains the southing of some of the fixed stars every New Year's day of the week throughout the year, adding one minute for every year for three years after Leap Year, and adding or omitting one minute for every 18 years or 29 minutes every 520 years forward or backward; from which four minutes subtracted forward every night of the week gives the time of the night. In table the 8th of January, Hydra's heart souths at 3 minutes after 1 o'clock next morning, and 121 divided by 18 anotes; 6

therefore, according to the rule, adding 6 minutes, and one minute for one year after Leap Year to 3 minutes gives 10 minutes after two o'clock 8th January, adding 28 minutes, for the 1st of January gives the southing of Hydra's heart at 38 minutes after 2 o'clock in the morning of New Year's day, 1890.\* Obs. The morning hours are in next day.

V. Given the day of the week and the number of the weeks in any month of any year to find the day of the month. Any date or appointment, suppose the 2d Wednesday of October, 1770, required the day of the month? This is found by 7th circle.

Description of the circle and its use.

The 7th circle contains the day of the month at the same time, which in Leap years after February is one day less.

New Year's day of the week, which as may be found by first example, in 1770, is Monday. Looking therefore into the 7th article, and second part of October. I find the 8th of the month is Monday, which is therefore the 2d Monday, and consequently next Wednesday is the 2d Wednesday and the 10th of the month.

VI. Required, the time between any two dates in days or in years and days of the year. This is found by 6th circle.

Description and use of the circle.

The 6th circle contains the days of the year, same time, from which the time in years and days between any two dates may be found by subtraction.

1. A draught dated June 1, 1770, payable at 30 days, required when it becomes due.

June 4, 1770, being Monday the 155th day of the year. Friday is therefore the 1st of June and 154th day of the year, to which adding 30 days, the sum is 182 days, the day of the year when the draught becomes due, which Monday the 2d of July being the 183d of the year in the table corresponds to Sunday the 1st of July when the draught is due.

A bond dated March 5, 1739,

\* The Stars are for January and February Hydra's Heart; March, April May Virgin's Ops; June, July Eagle's Heart; August, September Markab. Per Wing, October, November, December Seven Stars.



1770.

Mid June 7, 1770, required the time in years and days to calculate the interest?

March the 5th in table is the 64th day of the year, and June the 7th is the 158th, the 4th being the 155th; subtracting therefore 1739 years, 94 days from 1770 years, 158 days, the remainder is 31 years and 94 days, the time in years and days of the year between these two dates.

3. A workman is hired by the day to do a piece of work, and begins May 1, 1770, and finishes his work September the 8th, same year; required the number of days he has worked?

The 7th of May in the table being the 127th of the year, the 1st is the 1st; and the 10th of September being the 253d, the 8th must be the 245th, from which 121 days being subtracted there remains 130 days, and subtracting the number of weeks in the table between them, which is 18 or the Sundays; the remainder is 112 the number of days he has worked.

VII. Required the moon's age for any day in any year? suppose September 13, 1770. This is found by 5th circle, and the 11 and 12 already explained.

Description of the circle and rule for its use.

The 5th circle contains the moon's annual age, same time, which being added to the age found by 11 and 12 circle for the year, omitting 29 days, 12 hours, when it exceeds them gives the moon's age at that time, and which being subtracted from 29 days, 12 hours, leaves the time to new moon.

Moon's age for 1770 (being the 2d year in the table) found by 11th and 12th circle is 3 days, 22 hours. Annual age for September the 10th found by 5th circle is 15 days, 18 hours, and consequently on the 12th the moon's annual age is 17 days, 18 hours, which being added together gives 21 days, 12 hours, for the moon's age at 12 o'clock in the morning the 12th of September, 1770. This being subtracted from 29 days 12 hours, leaves 7 days, 21 hours the time to the next change. Adding therefore 7 days 21 hours to the 12th of September gives the 19th of September and 21 hours, April, 1771.

which is 9 o'clock at night for the time of night new moon.

VIII. Required whether or no, there is an eclipse at any new or full moon, suppose this new moon in September, 1770. This is found by the fourth, ninth, and tenth circles in the same manner.

Description of the circle and rule for its use.

The fourth circle contains the sun's distance from the node, same time, which being added to the distance found in the ninth and tenth circle for the year, omitting  $360^\circ$  when it exceeds them, is the sun's distance from the node at twelve o'clock in the morning on new year's day of the week. And adding one degree for every day and three minutes for every hour for any remaining days and hours of the week to new or full moon, gives the sun's distance from the node at that time, which being within  $70^\circ$  or  $12^\circ$  either of  $180^\circ$  or  $360^\circ$  there must be an eclipse, otherwise not.

Sun's distance from node for 1770, found by the 9th and 10th circle, is  $27^\circ 16'$ .

Annual distance for September the 17th (being the nearest new year's day of the week to new moon) is  $269^\circ 0'$ . And therefore on the 19th, at twelve o'clock in the morning, the distance is  $270^\circ 0'$ , and three minutes for every hour to nine o'clock at night, the time of change is  $1^\circ 3'$ , all which being added together is  $299^\circ 19'$  the sun's distance from the node at the time of new moon. This subtracted from  $360^\circ$  the nearest number, leaves  $60^\circ 41'$  the sun's distance from the node, which being far above  $17^\circ$  there can be no eclipse at this new moon.

IX. Required the time of high water and aspects of the moon at any time? suppose at London the 16th day, 12th hour of the moon's age at twelve o'clock in the morning. These are found by the second and third circles.

Description of the circles and rule for their use.

The second circle contains twenty-four hours and the moon's aspects, and the third circle contains the moon's age at the time, in second circle of high water, counted from this mark \*

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called



called Place's change time of high water, between these times same day, having added one minute for every half hour of change time of high water.

Change time of high water at London is three o'clock: counting the hours therefore from this mark \* calling it 3, the next 4, and then an half hour, and adding one minute for every half hour in three hours, which is six minutes, gives 36 minutes after four o'clock in the morning, for the time of high water at London the 16th day and a half of the moon's age found as already explained. And this time must be in the morning; because the table shews the time between the change times of high water in the same day, that is, at London between three o'clock in the morning and three o'clock in the afternoon.

In this age the moon is one day eighteen hours past full, and one day twenty three hours from the fifth octave, as may be seen by inspection in the table.

2. At the same age of the moon required the time of high water at Leith? Change time of high water at Leith is 0 or 12 o'clock, counting therefore from the mark gives the time of high water at half an hour past one o'clock in the morning.

The time given must be between twelve o'clock in the morning and twelve at noon, because the moon's age is at twelve o'clock in the morning. And for the same reason no minutes of change time of high water are to be added.

A half day's distance of moon's age, from the time of any tide, found forward or backward, points to the time of the preceding or succeeding tide, &c. which may be reckoned in the same manner.

X. 1. Suppose it ten o'clock at London, required what o'clock it is at Alexandria?

This is found by the first circle.

#### *Description and Use of the Circle.*

The first circle shews the distance to any place in degree, &c. or in time in the second circle, which being east added to, or west subtracted from, the present time, is present time there. And in places east or west (the meridian of London) proportional times sooner or later sets or more in table are to be allowed,

Alexandria being  $30^{\circ} 22'$  which corresponds to 2 hours, 2 minutes in 2d circle east the meridian of London. This being added to 10 o'clock, gives the time at Alexandria 2 minutes afternoon.

2. Suppose new moon 9 o'clock at night at London, required the time at Babylon?

Babylon being  $32^{\circ} 35'$  longitude corresponding to 2 hours, 16 minutes, east the meridian of London in 2d circle; adding therefore 2 hours, 16 minutes to 9 o'clock at night, give 16 minutes after 11 o'clock at night for the time of new moon at Babylon.

XI. Required the time of the night by a view of the tabular star for the month by the eye, compass, or a glass, or perforated dial of the author's invention any night in the year. Suppose therefore Hydra's heart shews one o'clock the 6th of January, 1771, required what o'clock it is?

RULE. Tabular time in the morning subtracted from, or compliment of tabular time at night to 12 o'clock, added to the time shewn by star to the eye or through a dial, adding or omitting 12 hours when necessary is the time of night.

The 8th of January in table Hydra's heart, souths at 3 minutes after 1 o'clock in the morning. But 1771 being 2 complete years after leap year, 2 minutes are added. Therefore the time in the morning to be subtracted is 2 hours, 5 minutes, from 1 hour, 0 minutes, shewn by star, which (adding 12 hours) leaves 10 hours, 55 minutes, and adding 8 minutes for the 6th of January, gives 3 minutes past 11 o'clock at night, when the star shews one o'clock in the morning.

XII. Required the time of the night by the moon shining on a sundial, &c. at any time. Suppose the moon's age 6 days and a half, and shews 10 hours and a half upon the dial, required what o'clock it is?

RULE. First half an annation moon's age in time 2d circle counted from the mark at 29 added to, 2d half from the distance in time counted from 12 to moon's age the contrary way; subtracted from time shewn by moon on a sundial or year's dial, &c. adding or omitting 12 hours when necessary is the time of the night.



1. I look into the table and find 6 days and a half moon's age, is 5 hours and a half in 2d circle which added to 10 hours and a half is 16 hours which omitting 12 hours is 4 o'clock.

2. The distance in time between 13 and 16 days, 12 hours. Moon's age is 11 hours, which subtracted from 22 (adding 12 hours) leaves the time of the night 11  $\frac{1}{2}$  o'clock.

*A general Rule to find the interest of any Sum of any Money per cent. at any Interest, and for any Time.*

1. Multiply your principal by the integer and divide it by the fraction of your interest.

2. Multiply the sum of these by your years, and having pointed off two figures in each denomination, divide them by your part of a year, and this quote added to your product is your interest.

EXAMPLE, I.

653748 l. at 3  $\frac{1}{2}$  per cent. per annum for one year, required the interest?

1)653748

3 Integer of interest.

1961244 Product.

324874 Quote by fraction.

228811.18 Sum = 228811. 3s. 7d. Int.

II. 35629 l. 19s. 11d.  $\frac{1}{2}$ , at 3  $\frac{4}{5}$  for 9 years, 5 months, 2 weeks and 1 day.

l. s. d.

35629 19 11  $\frac{1}{2}$   $\times 3 \div \frac{4}{5}$  or  $\times 3.8$ .

285039 19 10

106889 19 11 r. 168)365(2.173.

1353-939 019 0 1  $\times 9$

12185-459 011 2 1

623-073 01

12808.532 021 = 12808 l. 10s. 7d.  $\frac{1}{2}$  nearly.

*Value of decimals.*

.1 = 2 shillings = 1  $\frac{1}{2}$  pen. = 1  $\frac{1}{2}$  pen. sc.

.01 = 9  $\frac{1}{2}$  far nearly =  $\frac{1}{2}$  far. nearly.

.001 = 1 far. nearly.

III. 571438 pistoles at 5  $\frac{2}{3}$  for 10 yrs.

190479 . 33

3)571438  $\times 5 \div \frac{2}{3}$

1857190

380958

323814.866  $\times 10$  interest in pistoles and decimals of a pistole.

To the AUTHOR of the LONDON MAGAZINE.

S I R,

IN your Magazine of January last I submitted my thoughts to the public, concerning the injustice done to the memory of King Charles the First; and, as I still apprehend the causes for it are not well understood, I am desirous of explaining them, and of vindicating his memory from the aspersions, so industriously propagated upon republican principles for very suspicious purposes.

When we look back on past transactions, we are too apt to weigh them by a standard of our own imagination, and not by that standard of law and usage which were in being when the matters in question were done.

Thus it has been, and still is, in weighing the actions of King Charles the First in the earliest part of his reign; what was then done was founded on very recent instances done in a very popular and nearly preceding reign; namely, Queen Elizabeth's; and, if weighed by her standard of laws and usage (which continued in being till after the time in question) it will fall short in every degree of weight by the comparison.

The queen's government was completely arbitrary, of which all the historians are full; Mr. Hume, in particular, recapitulates the crown prerogatives, which had been transmitted to her by her immediate predecessors, and been exercised by her with the general consent and approbation of her subjects.

Among the chief of those prerogatives was the court of Star-chamber, which was very antient, and was established by act of parliament in the reign of King Henry the Seventh; it possessed an unlimited authority of fining, imprisoning, and inflicting corporal punishments; and its jurisdiction extended to all sorts of offences, contempts, and disorders; and it supported and enforced all proclamations, and other royal acts, which lay not within the reach of the common-law: its members consisted of the privy-council, and judges, who enjoyed their office during pleasure, and could only interpose with their advice, when the prince was present, and submit to his will when absent.

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The



called Place's change time of high water, between these times same day, having added one minute for every half hour of change time of high water.

Change time of high water at London is three o'clock: counting the hours therefore from this mark \* calling it 3, the next 4, and then an half hour, and adding one minute for every half hour in three hours, which is six minutes, gives 36 minutes after four o'clock in the morning, for the time of high water at London the 16th day and a half of the moon's age found as already explained. And this time must be in the morning; because the table shews the time between the change times of high water in the same day, that is, at London between three o'clock in the morning and three o'clock in the afternoon.

In this age the moon is one day eighteen hours past full, and one day twenty three hours from the fifth octave, as may be seen by inspection in the table.

2. At the same age of the moon required the time of high water at Leith? Change time of high water at Leith is 0 or 12 o'clock, counting therefore from the mark gives the time of high water at half an hour past one o'clock in the morning.

The time given must be between twelve o'clock in the morning and twelve at noon, because the moon's age is at twelve o'clock in the morning. And for the same reason no minutes of change time of high water are to be added.

A half day's distance of moon's age, from the time of any tide, found forward or backward, points to the time of the preceding or succeeding tide, &c. which may be reckoned in the same manner.

X. 1. Suppose it ten o'clock at London, required what o'clock it is at Alexandria?

This is found by the first circle.

#### *Description and Use of the Circle.*

The first circle shews the distance to any place in degree, &c. or in time in the second circle, which being east added to, or west subtracted from, the present time, is present time there. And in places east or west (the meridian of London) proportional times sooner or later lets or more in table are to be allowed,

Alexandria being  $30^{\circ} 22'$  which corresponds to 2 hours, 2 minutes in 2d circle east the meridian of London. This being added to 10 o'clock, gives the time at Alexandria 2 minutes afternoon.

2. Suppose new moon 9 o'clock at night at London, required the time at Babylon?

Babylon being  $323^{\circ} 35'$  longitude corresponding to 2 hours, 26 minutes, east the meridian of London in 2d circle; adding therefore 2 hours, 26 minutes to 9 o'clock at night, give 26 minutes after 11 o'clock at night for the time of new moon at Babylon.

XI. Required the time of the night by a view of the tabular star for the month by the eye, compass, or a glass, or perforated dial of the author's invention any night in the year. Suppose therefore Hydra's heart shews one o'clock the 6th of January, 1771, required what o'clock it is?

RULE. Tabular time in the morning subtracted from, or compliment of tabular time at night to 12 o'clock, added to the time shewn by star to the eye or through a dial, adding or omitting 12 hours when necessary is the time of night.

The 8th of January in table Hydra's heart, souths at 3 minutes after 1 o'clock in the morning. But 1771 being 2 complete years after leap year, 2 minutes are added. Therefore the time in the morning to be subtracted is 2 hours, 5 minutes, from 1 hour, 0 minutes, shewn by star, which (adding 12 hours) leaves 10 hours, 55 minutes, and adding 8 minutes for the 6th of January, gives 3 minutes past 11 o'clock at night, when the star shews one o'clock in the morning.

XII. Required the time of the night by the moon shining on a sun dial, &c. at any time. Suppose the moon's age 6 days and a half, and shews 10 hours and a half upon the dial, required what o'clock it is?

RULE. First half an annation moon's age in time 2d circle counted from the mark at 29 added to, 2d half subtracted from time counted from 12 to moon's age the contrary way; subtracted from time shewn by moon on a sun dial or year's dial, &c. adding or omitting 12 hours when necessary is the time of the night.



1. I look into the table and find 6 days and a half moon's age, is 5 hours and a half in 2d circle which added to 10 hours and a half is 16 hours which omitting 12 hours is 4 o'clock.

2. The distance in time between 13 and 16 days, 12 hours. Moon's age is 11 hours, which subtracted from 22  $\frac{1}{2}$  (adding 12 hours) leaves the time of the night 11  $\frac{1}{2}$  o'clock.

*A general Rule to find the interest of any Sum of any Money per cent. at any Interest, and for any Time.*

1. Multiply your principal by the integer and divide it by the fraction of your interest.

2. Multiply the sum of these by your years, and having pointed off two figures in each denomination, divide them by your part of a year, and this quote added to your product is your interest.

EXAMPLE, I.

653748 l. at 3  $\frac{1}{2}$  per cent. per annum for one year, required the interest?

1)653748

3 Integer of interest.

1961244 Product.

326874 Quote by fraction.

22881.18 Sum = 22881 l. 3 s. 7 d. Int.

II. 35629 l. 19 s. 11 d.  $\frac{1}{2}$ , at 3  $\frac{4}{5}$  for 9 years, 5 months, 2 weeks and 1 day.

l. s. d.

35629 19 11  $\frac{1}{2}$   $\times 3 \div \frac{4}{5}$  or  $\times 3.8$ .

285039 19 10

106889 19 11 1. 168)365(2.173.

1353.939 019 0 1  $\times 9$

12185.459 011 2 1

623.073 01

12808.532 021 = 12808 l. 10 s. 7 d.  $\frac{1}{2}$  nearly.

*Value of decimals.*

.1 = 2 shillings = 1  $\frac{1}{4}$  pen. = 1  $\frac{1}{4}$  pen. sc.

.01 = 9  $\frac{1}{2}$  far nearly =  $\frac{1}{2}$  far. nearly.

.001 = 1 far. nearly.

III. 571438 pistoles at 5  $\frac{2}{3}$  for 10 yrs.

190479 . 33

3)571438  $\times 5 \div \frac{2}{3}$

2857190

380958

323814.866  $\times 10$  interest in pistoles and decimals of a pistole.

To the AUTHOR of the LONDON MAGAZINE.

S I R,

IN your Magazine of January last I submitted my thoughts to the public, concerning the injustice done to the memory of King Charles the First; and, as I still apprehend the causes for it are not well understood, I am desirous of explaining them, and of vindicating his memory from the aspersions, so industriously propagated upon republican principles for very suspicious purposes.

When we look back on past transactions, we are too apt to weigh them by a standard of our own imagination, and not by that standard of law and usage which were in being when the matters in question were done.

Thus it has been, and still is, in weighing the actions of King Charles the First in the earliest part of his reign; what was then done was founded on very recent instances done in a very popular and nearly preceding reign; namely, Queen Elizabeth's; and, if weighed by her standard of laws and usage (which continued in being till after the time in question) it will fall short in every degree of weight by the comparison.

The queen's government was completely arbitrary, of which all the historians are full; Mr. Hume, in particular, recapitulates the crown prerogatives, which had been transmitted to her by her immediate predecessors, and been exercised by her with the general consent and approbation of her subjects.

Among the chief of those prerogatives was the court of Star-chamber, which was very antient, and was established by act of parliament in the reign of King Henry the Seventh; it possessed an unlimited authority of fining, imprisoning, and inflicting corporal punishments; and its jurisdiction extended to all sorts of offences, contempts, and disorders; and it supported and enforced all proclamations, and other royal acts, which lay not within the reach of the common-law: its members consisted of the privy-council, and judges, who enjoyed their office during pleasure, and could only interpose with their advice, when the prince was present, and submit to his will when absent.



The court of high commission took cognizance in all matters of conscience; and was established by act of parliament in Queen Elizabeth's reign; who, in a letter, to the Archbishop of Canterbury, said expressly, that "she was resolved, no man should be suffered" to decline either on the left or on the right hand, from the drawn line limited by authority, and by her laws and injunctions."

Martial laws was then occasionally exercised in civil cases, and Lord Bacon observes, that the trial at common law granted to the Earl of Essex and his fellow conspirators was a favour. Among many instances to confirm this usage, was Queen Elizabeth's proclamation, which ordered martial law to be used against all persons importing bulls, or even forbidden books, and pamphlets from abroad; and forbade the lieutenants or their deputies, to be questioned for their arbitrary punishment of such offenders; "any law or statute to the contrary in any wise notwithstanding." and in like manner, when the streets of London were much infested with idle vagabonds, and riotous persons, she gave Sir Thomas Wilsford a commission of provost-marshal; granting him authority, and commanding him, upon signification given him by the justices, of such offenders as were worthy to be speedily executed by martial law, to attach and take such persons, and in the presence of the said justices, "according to justice of martial law, to execute them on the gallows, or gibbet, openly, or near to such place where the said rebellious and incorrigible offenders should be found to have committed the said great offences."

Besides the above prerogatives and jurisdictions, the secretary of state and the privy-council were used in those times familiarly, by warrant, to imprison persons during any time they should think proper, and, in suspicious times the gaols were full of such; who were sometimes loaded with irons, and even tortured with the rack, without further authority; and the practice then in use, of not confronting the witnesses with the prisoner, gave all imaginable advantage against him; while the timid juries, and judges who held their offices during pleasure,

never failed to second all the views of the court on such like occasions.

There were divers inferior courts, such as of wards and other prerogative exertions, for creating monopolies, and exacting loans, benevolences, purveyances, &c. without number, which greatly exalted the power of the crown; and if any complaints were made in parliament, touching the legality of these exertions, the queen prohibited the house of lords, or commons, in which such complaints were made, from meddling with what she called state matters, or ecclesiastical causes, and openly sent the members to prison, who dared to transgress her imperial edicts.

These exertions of power were the more firmly established in the minds of the people, by the homilies enjoined to be read every Sunday in all the churches; those homilies inculcated a blind and unlimited passive obedience to the prince, and which, on no account, and under no pretence, was it lawful for them in the smallest article to depart from or infringe.

By these, and other spirited and prudent measures, the queen supported her exertion without scarce a murmur; and her memory is still deservedly esteemed, notwithstanding her actions were altogether arbitrary and despotic.

King Charles, with as great abilities, though fewer faults, ascended the throne on the death of his father (King James the First) possessed of the same prerogatives, and supported by the same laws as were in the queen's reign, which laws and prerogatives were feelingly expressed by Sir Walter Raleigh (while in prison under the displeasure of King James the First) who speaking of the prerogative of parliament says, "The three estates did but advise the king as the privy-council did, which advice, if the king embraced it, became his own act in the one, and his law in the other."

In the remarkable case of ship money in King Charles's reign, the council for the crown insisted plainly and openly on the king's absolute sovereign power; which the council for Mr. Hampden did not deny, asserting only, that the subjects had a fundamental property in their goods



which could not be taken from them, except by their own consent in parliament. This assertion brought on a question at law, which would have been determined in the Star-chamber by Queen Elizabeth, and Mr. Hampden would there have been fined and imprisoned, and soon after have been forgotten, instead of being made the hero of those times.

King James succeeded Queen Elizabeth with every advantage, that her wife and experienced ministry could give him, and with a supply of forces, money, and popularity, sufficient to continue and support the same exertions of prerogative, but his pacific and timid measures too soon opened a new scene of opposition, which, like wild fire, spread, and raised the insolence of a fanatic party to rebel, by the all-powerful force of enthusiasm.

King Charles (his son) succeeded him under a ministry without abilities, or experience, and had neither forces, or popularity, to protect even himself from insult. Instead of a Cecil, a Walsingham, or a Strafford, King Charles was worried with the over-bearing administration of a Villars, and by the undermining treachery of St. John. The unhappy diffidence, which he had of his own excellent judgment, and his aptitude to sudden resolutions, occasioned many unreasonable acts, which though he wanted not precedent to support, he wanted maturity to perfect; by which he brought himself into a discredit, which the goodness of his heart never merited.

Lord Orrery's chaplain (Maurice) relates, that Oliver Cromwell more than once repeated to Lord Orrery, as they were riding together from Youghall in Ireland, that if King Charles had followed his own judgment, and been attended by none but trusty servants, he had fooled them all.

The king (says Mr. Hume after a long note in his vindication, against the imputation of insincerity) was candid, sincere, and upright, as much almost as any man whom we meet with in history, and he adds in summing up the king's character) had he been born an absolute prince, his humanity and good sense had rendered his

reign happy, and his memory precious! Had the limitations on prerogative been in his time, quite fixed and certain, his integrity had made him regard as sacred the boundaries of the constitution. Unhappily his fate threw him into a period, when the precedent of former reigns, favoured strongly of arbitrary power, and the genius of the people ran violently towards liberty; and if his political prudence was not sufficient to extricate him from so perilous a situation, he may be excused; since even after the event, when it is commonly easy to correct all errors, one is at a loss to determine what conduct; in his circumstances, could have maintained the authority of the crown, and preserved the peace of the nation. Exposed without revenue and without arms, to the assault of furious, implacable, and bigotted factions, it was never permitted him, but with the most fatal consequences, to commit the smallest mistake: a condition too rigorous to be imposed on the greatest human capacity.

If King Charles had formed a design to enslave England, as Rapin and other republican authors have laid to his charge; what could have hindered him from pursuing Queen Elizabeth's steps. His judgement and experience must have informed him, that he had the same courts of star chamber, and high commission, and the same laws and resources to support him upon every exigency, in manner as above set forth; and by the assistance of a Stafford (before those powers and prerogatives had been reduced) his abilities would have effected it, if his principles had been as despotic.

It was the misfortune of the time that he was too compliant; and Mr. Hume observes, that if his conduct was derived in a great measure from necessity, and from a natural desire of defending the prerogative, which was transmitted to him from his ancestors, (and which his parliament was visibly encroaching on) there is no reason why he may not be esteemed a very virtuous prince, and entirely worthy of trust from his people.

The government of this kingdom, shocked and nearly annihilated by a variety of republican systems during the



the civil wars and common wealth, continued, notwithstanding monarchy was restored, in a distempered state till the time of the revolution by King William III. when through the precipitate acts and abdication of King James II. a short and unexpected turn of affairs perfected and established our present glorious and happy constitution; which all the endeavours of the sons of liberty could otherwise never have brought about.

When we look around us, and compare our present situation with that of our neighbours on the continent; how thankful ought we to be to providence which has so miraculously secured our liberties beyond our utmost hopes and expectations! It seems scarce credible, that we can so soon forget such recent sufferings, and escapes in the cause of liberty, and that we can so inconsiderately hazard that constitution which can alone preserve it to us. May it not be equally necessary, in order to preserve our liberties and constitution, to be as cautious to prevent acts of licentiousness from the experience of what we have felt; as of monarchical oppression which we have not so severely felt? and, with such like reflexions ought we not to do justice to memory of King Charles, by reviewing with candour and circumspection the injury which has been done both to him and the nation? For, sweet as the sound of liberty certainly is, (and I hope ever will be in the ears of every Briton) we have fatally found it, in his case, a deceitful word, full of treachery, and fraught with every mischief; and we may, without due caution, find it so again in the mouths and malevolence of modern patriotism.

Your's, &c.

P. B.

#### POLITICAL DISSENTIONS.

**T**HE increasing breach between Mr. Wilkes and his friends being much the subject of conversation, the following letter, which his generally attributed to that gentleman, will elucidate the ground of this new dispute.

IN an Evening Paper of Saturday the 13th instant, is a most virulent Attack on *Mr. Wilkes* from the Supposition of his being *Sheriff* of this City and County the ensuing Year. The *high Priest of Malagrida*, who is the *Deer*

of that Paper; *half Froth, half Venom* spits himself abroad. It is a very easy Task to detect his Sophistry and Falshood, and it shall be my Employment the next Hour to collect and class the Forgeries of that Paper.

1. It is false, that "all Mr. Wilkes's Friends have represented to him the evil Consequences of this Step without being able to prevail upon him to desist." Mr. Wilkes's most respectable Friends first advised the Measure after all the probable Consequences had been fully considered, and they have declared their firm Resolution to support him, and in the most generous Manner. The Common-Council of Farringdon Ward is composed of sixteen Persons. Fourteen were present at the monthly Meeting last Thursday. They were *unanimous* in the Propriety of the Measure, and warm in their Wishes for it's Success.

2. "The County of Middlesex think themselves particularly ill-treated, because their Cause is deserted by him whom they so generously and nobly supported." Mr. Wilkes knows the infinite Obligations he is under to the County of Middlesex. He has most steadily supported their Cause and his own, and will persevere in the same Plan through Life. He has refused many Offers, because he would always be embarked only on the same Bottom with his noble Friends, the Freeholders of Middlesex, *They* wish to see him *Sheriff*, and would rejoice that Administration by the vacating of Luttrell's pretended Seat would give the *Sheriff* another Opportunity of bringing afresh before the Public the important Question of the Middlesex Election. Their Behaviour would be consistently great. That public Cause would be again agitated. The Plan of Mr. Wilkes's Conduct has been already settled, and highly applauded. The public Question was taken into Consideration in the first Instance, and in the fullest Manner. There are but two Events can embarrass Mr. Wilkes; the Demise of the Crown, or the Dissolution of the Parliament, during his Sheriffalty. The first were a more probable, although a more fatal Event than the second. Whenever he leaves the Office, he must necessarily run these two Chances of being for some Time out of Parliament, for he has declared



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declared that he never will sit in the House of Commons but as one of the Knights of the Shire for Middlesex. His worthy Constituents likewise know that he has at Heart the forming new and perfect Freeholders' Book. He has already had the Advice of his Colleague, Mr. Serjeant Glynn, on the Subject, who pointed out the various Defects and their Remedies. The Life and Property of every Man in the County is interested in the faithful execution of this Plan for a more fair and impartial Administration of Justice.

3. "Yesterday Noon (*that is Friday*) Mr. Wilkes waited on Mr. Alderman Oliver, and told him the Resolution he had taken to be Sheriff next Year with Mr. Oliver." Mr. Wilkes's Letter of Friday Morning will demonstrate the falshood of this Assertion.

4. "The Purport of the Letter, as given by Mr. Lovell, was, &c. &c. and *desire Mr. Wilkes to shew Mr. Oliver's Letter to the Gentlemen of his Ward, if Mr. Wilkes was determined to persevere in his Attempt.*" Nothing like it is to be found in Mr. Oliver's Letter. Did Mr. Lovell dare to say *that was the Purport of Mr. Oliver's Letter?* Did Mr. Oliver send Mr. Lovell, Clerk to Messrs. Thomas and Richard Oliver, and Co. to Mr. Wilkes's Common-Council to persuade them to take a Part against their Alderman, and to declare *the Thing, which was not?*

5. "Mr. Oliver gave him many strong public Reasons why he ought not to attempt it." Mr. Wilkes has not yet heard those public Reasons. He knows the private Reason of the Malagrida crew, the Fear of superseding their creature, Alderman Townsend, and the subsequent Loss of the Chaplainship, &c. to their high Priest. It is known of both these Persons, *conjerisse se in eadem fra quo omnis sentina reipublicæ conseruat.* They followed the Camp for plunder. But whatever be the Fate of Mr. Wilkes, there is no Chance of the first Power in the City being entrusted to such Hands as Alderman Townsend's. His Affection to the Cause of Liberty becomes every Day more and more suspicious and problematical. In the late Business of *Press Warrants* and the *Printers*, he has been remarkably sly. He has not yet abjured Places, pensions, or future Contracts. He has shown himself furious and insolent, with-

out Temper or Candour. He is now fully known, and to be known with him is to be abhorred. At the last Meeting of the Bill of Rights, after the Chair had been refused by Lord Mountmorris and Mr. Adair, Mr. Alderman Sawbridge proposed Mr. Townsend. He accepted without Hesitation, but behaved in so *ungentlemanlike* and unfair a Manner, with such a marked Partiality, and debated himself with such Indecency and Animosity, that the Chairman himself was frequently called to Order, and over-ruled by the Society. Mr. Sawbridge appeared greatly hurt by Mr. Townsend's Conduct, and several Gentlemen remarked, *how exceedingly dangerous it would be to trust him with Power.* Such a Man can never be the first Magistrate of the first City in the World without creating infinite Confusion.

6. "Mr. Alderman Oliver, and his Brother Mr. Thomas Oliver, have contributed one tenth Part of all the Money which has been publicly subscribed for Mr. Wilkes." This Assertion does not come near the Truth, and the Books of the Bill of Rights give the fullest Proof to the contrary. The Oliver Family has been rewarded by the Public with an Aldermanship and a Seat in Parliament, without the Expence of a Shilling. The two Brothers seem to understand the laying out Money full as well as their ancestors.

7. "Mr. Wilkes has now the Gratitude to endeavour to force the Alderman to pay the Expences of Mr. Wilkes's Shrievalty." There is not the least Colour for this impudent Assertion. The Expences of Mr. Wilkes's Sheriffalty will not be paid, in the Tenth of the Tenth, by Mr. Alderman or Mr. Thomas Oliver. No such Idea was ever harboured by Mr. Wilkes, or any of his Friends.

8. "Mr. Wilkes's Colleague will be answerable in his Person and Fortune for all the desperate Acts Mr. Wilkes may chuse as Sheriff to perform." Is any Man answerable *criminally* in his own Person for what another does against his Consent? The Absurdity is palpable. As to Fortune, that is a private Consideration, no public Reason. It is well known that all pecuniary Transactions are left to the Under-Sheriffs, who give ample Security.

I am sure Mr. Wilkes sees with deep Concern



Concern, that a Man of so amiable a Character as Mr. Alderman Oliver should be drawn into the violent Vortex of the Brentford Parson, where the natural Sweetness of his Temper and Candour are totally absorbed and perish. The Alderman forgets in his Letters the Politeness of the Gentleman, and assumes a Rudeness, which is inconsistent with the humane Feelings of his Heart. I hope that he will soon return to his usual good Humour, and that he is not soured by his Confinement in the Tower. The Letter to Mr. Wilkes is in every Respect unworthy of the Writer, if he did not walk in Leading-strings. The other Letter in Answer to the Committee of the Common-Council is still worse. It is a furious Declamation, and very disobliging to the Gentlemen concerned, at a Moment too, when they shewed a particular Civility to the Alderman. The Committee desired *his Directions that they might execute the Trust* (of providing a Table for him at the Expence of the City) *in the Manner most agreeable to himself*. He omitted to thank the Gentlemen for such a Mark of *their* Attention and Regard, and only *transcribed*, as an Answer about a Table to be kept for him, a Dissertation on the *Apology due from the House of Commons*, and the State of the Nation for *the last ten Years*, both at home and abroad—“*object abroad and insolent at home.*” This is not his natural Note, which is by no Means harsh or loud, but soft and sweet. One should imagine by such a Specimen, that he had no Compass, and possessed only one *single* Note, but he has indeed great Variety. The Parson's dull Monotony tires you. He can only cry *Cuckow, Cuckow, Cuckow*. At present he sings for the Bird in the Cage, till at last *he* is hoarse and *you* are deaf.

The Protestant Jesuit of Malagrida, who always bears the Torch of Discord, had the Insolence likewise to draw up an Answer from the Committee to Mr. Oliver's Letter, in a Strain quite raving. One of his Friends was weak enough to carry it to the Gentlemen in Mr. Horne's *own Hand-writing*. The Committee rejected the Letter with Indignation.

I desire to add, that all the Cabals of Malagrida's Faction have lately been held in Mr. Alderman Oliver's Apart-

ments in the Tower, from whence have proceeded the most violent Attacks on the Lord Mayor and Mr. Wilkes, and all the Obstructions to the Calling of a *Common Hall*. The Malagrida Gang have abused the Lord Mayor in the grossest Terms, and have laboured more assiduously to destroy Mr. Wilkes than even the *Carlton House Junto* ever did. The Lord Mayor has been let into no Secrets of the Party, nor asked to attend any Meetings of Business. No Communication has been had with the City's excellent Chief Magistrate, because he will lend himself to no Party or Faction. He, still more than Mr. W. is become the favourite Topic of the Abuse of Malagrida's Crew. The Livery at large however are the best Judges on the present, and every other Business of the City. They will not be governed by the wretched Cabals of a designing few, much less by the most dangerous and desperate Party of the State, where the foulest Humours of the Body Politick meet and ferment. The Appeal will be to them. Mr. Alderman Wilkes has declared his Readiness to submit to the Determinations of the Livery, and Mr. Alderman Oliver, if he hopes for their future Favours, must, neither be refractory nor disobedient. The Event would otherwise be *his* political Annihilation.

I am, Sir, your's,

TRUTH

To JOHN WILKES, Esq.

S I R,

**T**HAT I may be explicit as early as possible after your desire that I should explain myself concerning the shrievalty, I must inform you that I am determined not to serve the office of sheriff with you; because I really do not think from your own declarations that your political aims are similar to mine.

This resolution I must communicate to the livery, if you join me in your nomination.

I am, S I R,

Your most humble servant,

RICHARD OLIVER

Tower 11th April 1771.

To RICHARD OLIVER, Esq.

S I R, Prince's Court, Friday April 12th

**I** did not receive your letter till last night, when I was in the city



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## JUNIUS'S LETTER.

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To the PRINTER. &amp;c.

with my common council. When we were alone a very few days ago, you asked me, if I meant to be sheriff the ensuing year. I answered with the frankness of my nature to a friend, that if I had the honour of being chosen, I would not decline that troublesome and expensive office, and that, in the actual crisis of affairs, I really wished it for various reasons of great public utility, which I am persuaded live still in your memory. Yesterday morning I put the same question to you. Your verbal answer was not explicit; your letter is. You say, "I am determined not to serve the office of sheriff with you." The propriety of such a declaration does not strike me. I consider it as the duty of every gentleman to submit to the livery the choice of his colleague, and not to refuse an office, because he disapproves another person, of whom his own constituents entertain a favourable opinion. I am ready to serve the office of sheriff with you, sir, or any other gentleman given me by the livery as a colleague, should they think proper to elect me. You add, "because I really do not think from your own declarations that your political aims are similar to mine." My declarations have always been very explicit; my aims fair and honourable. I am satisfied that your's are no less upright. I started much earlier than you in political life. I gave my public creed on several occasions. You have done the same. Our sentiments have always coincided, although our expressions have varied. How then can our political aims not be similar? I wish to know in what they differ. I will at any time yield to the conviction of superior reason.

You conclude, "this resolution I must communicate to the livery if you give me in your nomination." I never entertained the idea of any nomination proceeding from myself. If I am called upon, I will serve, but I shall never state to the livery what they should do. I shall likewise not fail to communicate to so respectable a body every satisfaction of a public nature, respecting their rights or interests, and I will obey their commands.

I am, S I R,

Your most humble servant,

JOHN WILKES.

April, 1771.

TO write for profit, without taxing the press; to write for fame, and to be unknown; to support the intrigues of faction, and to be disowned, as a dangerous auxiliary, by every party in the kingdom, are contradictions, which the minister must reconcile before I forfeit my credit with the public. I may quit the service, but it would be absurd to suspect me of desertion. The reputation of these papers is an honourable pledge for my attachment to the people. To sacrifice a respected character, and to renounce the esteem of society, requires more than Mr. Wedderburne's resolution; and though, in him, it was rather a profession than a desertion of his principles, [I speak tenderly of this gentleman, for when treachery is in question, I think we should make allowances for a Scotchman] yet we have seen him in the House of Commons overwhelmed with confusion, and almost bereft of his faculties. But in truth, sir, I have left no room for an accommodation with the piety of St. James's. My offences are not to be redeemed by recantation or repentance. On one side, our warmest patriots would disclaim me as a burthen to their honest ambition. On the other, the vilest prostitution, if Junius could descend to it, would lose its natural merit and influence in the cabinet, and treachery be no longer a recommendation to the royal favour.

The persons, who, till within these few years, have been most distinguished by their zeal for high church and prerogative, are now, it seems, the great assertors of the privileges of the House of Commons. This sudden alteration of their sentiments or language carries with it a suspicious appearance. When I hear the undefined privileges of the popular branch of the legislature exalted by tories and jacobites, at the expence of those strict rights, which are known to the subject and limited by the laws, I cannot but suspect that some mischievous scheme is in agitation to destroy both law and privilege, by opposing them to each other. They who have uniformly denied the power of the whole legislature to alter the descent of the crown, and whose ancestors, in rebellion against his majesty's family, have defended that doctrine at the hazard of their lives, now tell us that privilege of parliament is the only rule of right, and the chief security of the public liberty. I fear, sir, that while forms remain, there has been some material change in the substance of our constitution. The opinions of these men were too absurd to be so easily renounced.—Liberal minds are open to conviction.—Liberal doctrines are capable of improvement. There are proselytes from atheism, but none from superstition. If their present professions were sincere, I think they could not but be highly offended



offended at seeing a question concerning parliamentary privilege, unnecessarily started at a season so unfavourable to the House of Commons, and by so very mean and insignificant a person as the Minor Onslow. They knew that the present House of Commons, having commenced hostilities with the people, and degraded the authority of the laws, by their own example, were likely enough to be resisted *per fas et nefas*. If they were really friends to privilege, they would have thought the question of right too dangerous to be hazarded at this season, and, without the formality of a convention, would have left it undecided.

I have been silent hitherto, though not from that shameful indifference about the interests of society, which too many of us profess, and call moderation. I confess, sir, that I felt the prejudices of my education, in favour of a House of Commons still hanging about me. I thought that a question between law and privilege could never be brought to a formal decision, without inconvenience to the public service, or a manifest diminution of legal liberty, and ought therefore to be carefully avoided: and when I saw that the violence of the House of Commons had carried them too far to retreat, I determined not to deliver a hasty opinion upon a matter of so much delicacy and importance.

The state of things is much altered in this country, since it was necessary to protect our representatives against the direct power of the crown. We have nothing to apprehend from prerogative, but every thing from undue influence. Formerly it was the interest of the people, that the privileges of parliament should be left unlimited and undefined. At present it is not only their interest, but I hold it to be essentially necessary to the preservation of the constitution, that the privileges of parliament should be strictly ascertained, and be confined within the narrowest bounds the nature of their institution will admit of. Upon the same principle, on which I would have resisted prerogative in the last century, I now resist privilege. It is indifferent to me, whether the crown, by its own immediate act, imposes new, and dispenses with old laws, or whether the same arbitrary power produces the same effects thro' the medium of the House of Commons. We trusted our representatives with privileges for their own defence and ours. We cannot hinder their desertion, but we can prevent their carrying over their arms to the service of the enemy.—It will be said, that I begin with endeavouring to reduce the argument concerning privilege to a mere question of convenience;—that I deny at one moment what I would allow at another; and that to resist the power of a p——— House of Commons may establish a precedent injurious to all future parliaments.—To this I answer generally, that human affairs are in

no instance governed by strict positive right. If change of circumstances were to have no weight in directing our conduct and opinions, the mutual intercourse of mankind would be nothing more than a contention between positive and equitable right. Society would be a state of war, and law itself would be injustice. On this general ground, it is highly reasonable, that the degree of our submission to privileges, which have never been denied by any positive law, should be considered as a question of convenience, and proportioned to the confidence we repose in the integrity of our representatives. As to the injury we may do to any future and more respectable House of Commons, I own I am not now sanguine enough to expect a more plentiful harvest of parliamentary virtue in one year than another. Our political climate is severely altered; and without dwelling upon the depravity of modern times, I think no reasonable man will expect that, as human nature is constituted, the enormous influence of the crown should cease to prevail over the virtue of individuals. The mischief lies too deep to be cured by any remedy, less than some great convulsion, which may either carry back the constitution to its original principles, or utterly destroy it. I do not doubt that, in the first session after the next election, some popular measures may be adopted. The present House of Commons have injured themselves by a too early and public profession of their principles; and if a strain of prostitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too soon. But after all, sir, it is very immaterial whether a House of Commons shall preserve their virtue for a week, a month, or a year. The influence, which makes a septennial parliament dependent upon the pleasure of the crown, has a permanent operation, and cannot fail of success.—My premises, I know, will be denied in argument, but every man's conscience tells him they are true. It remains then to be considered, whether it be for the interest of the people that privilege of parliament, (which, in respect to the purposes, for which it has hitherto been acquiesced under, is merely nominal) should be contracted within some certain limits, or whether the subject shall be left at the mercy of a power arbitrary upon the face of it, and notoriously under the direction of the crown.

I do not mean to decline the question of Right. On the contrary, sir, I join issue with the advocates for privilege and affirm, that, "excepting the cases, wherein the House of Commons are a court of judicature, [to which, from the nature of their office, a coercive power must belong] and excepting such contempts as immediately interrupt their proceedings, they have no legal authority to imprison any man for any supposed violation



of privilege whatsoever."—It is not pretended that privilege, as now claimed, has ever been defined or confirmed by statute; neither can it be said, with any colour of truth, to be a part of the common law of England, which had grown into prescription, long before we knew any thing of the existence of a House of Commons. As for the law of parliament, it is only another name for the privilege in question; and since the power of creating new privileges has been formally renounced by both houses, since there is no code in which we can study the law of parliament, we have but one way left to make ourselves acquainted with it; that is, to compare the nature of the institution of a House of Commons with the facts upon record. To establish a claim of privilege in either house, and to distinguish original right from an usurpation, it must appear that it is indispensably necessary for the performance of the duty they are employed in, and also that it has been uniformly allowed. From the first part of this description it follows clearly, that whatever privilege does of right belong to the present House of Commons, did equally belong to the first assembly of their predecessors, was as completely vested in them, and might have been exercised in the same extent. From the second we must infer that privileges, which, for several centuries, were not only never allowed, but never even claimed by the House of Commons, must be founded upon usurpation. The constitutional duties of a House of Commons are not very complicated nor mysterious. They are to propose or assent to wholesome laws for the benefit of the nation. They are to grant the necessary aids to the king, petition for the redress of grievances, and prosecute treason or high crimes against the state. If unlimited privilege be necessary to the performance of these duties, we have reason to conclude, that for many centuries after the institution of the House of Commons, they were never performed. I am not bound to prove a negative, but I appeal to the English history when I affirm, that with the exceptions already stated (which yet I might safely relinquish) there is no precedent, from the year 1265 to the death of Queen Elizabeth, of the House of Commons having imprisoned any man (not a member of their house) for contempt or breach of privilege. In the most flagrant cases, and when their acknowledged privileges were most grossly violated, the poor commons, as they then stiled themselves, never took the power of punishment into their own hands. They either sought redress by petition to the king, or, what is more remarkable, applied for justice to the House of Lords; and when satisfaction was denied them or delayed, their only remedy was to refuse proceeding upon the king's business. So little conception had our an-

cestors of the monstrous doctrines now maintained concerning privilege, that, in the reign of Elizabeth, even liberty of speech, the vital principle of a deliberative assembly, was restrained by the Queen's authority to a simple *aye* or *no*, and this restriction, tho' imposed upon three successive parliaments, was never once disputed by the House of Commons.

I know there are many precedents of arbitrary commitments for contempt; but, besides that they are of too modern a date to warrant a presumption that such a power was originally vested in the House of Commons—*Fact* alone does not constitute *right*; if it does, General Warrants were lawful. An ordinance of the two houses has a force equal to law; and the criminal jurisdiction assumed by the commons in 1621, in the case of Edward Loyd, is a good precedent, to warrant the like proceedings against any man, who shall unadvisedly mention the folly of a king or the ambition of a princess.—The truth is, sir, that the greatest and most exceptionable part of the privileges now contended for, were introduced and asserted by a House of Commons which abolished both monarchy and peerage, and whose proceedings, although they ended in one glorious act of substantial justice, could no way be reconciled to the forms of the constitution. Their successors profited by the example, and confirmed their power by making a moderate or a popular use of it. Thus it grew, by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

If however it could be proved, from considerations of necessity or convenience, that an unlimited power of commitment ought to be intrusted to the House of Commons, and that *in fact* they have exercised it without opposition, still, in contemplation of law, the presumption is strongly against them. It is a leading maxim of the laws of England (and, without it, all laws are nugatory) that there is no right without a remedy, nor any legal power without a legal course to carry it into effect. Let the power, now in question, be tried by this rule. The Speaker issues his warrant of attachment. The party attached either resists force with force, or appeals to a magistrate, who declares the warrant illegal and discharges the prisoner. Does the law provide no legal means for enforcing a legal warrant? is there no regular proceeding pointed out in our law books to assert and vindicate the authority of so high a court as the House of Commons? The question is answered directly by the fact. Their unlawful commands are resisted, and they have no remedy. The imprisonment of their own members is revenge indeed, but it is no assertion of the privilege they contend for. Their whole proceeding stops, and there

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\* In the years 1593—1597—and 1601.



there they stand, ashamed to retreat, and unable to advance. Sir, these ignorant men should be informed that the execution of the laws of England is not left in this uncertain, defenceless condition. If the process of the courts of Westminster-Hall be resisted, they have a direct course, sufficient to enforce submission. The court of King's Bench commands the sheriff to raise the *posse comitatus*. The courts of Chancery and Exchequer issue a writ of rebellion, which must also be supported, if necessary, by the power of the county. To whom will our honest representatives direct their writ of rebellion? The Guards, I doubt not, are willing enough to be employed, but they know nothing of the doctrine of writs, and may think it necessary to wait for a letter from Lord Barrington.

It may now be objected to me, that my arguments prove too much; for that certainly there may be instances of contempt and insult to the House of Commons, which do not fall within my own exceptions, yet, in regard to the dignity of the house, ought not to pass unpunished. Be it so.—The courts of criminal jurisdiction are open to prosecutions, which the Attorney General may commence by information or indictment. A libel, tending to aspersions or vilify the House of Commons, or any of their members, may be as severely punished in the court of King's Bench, as a libel upon the king. Mr. De Grey thought so when he drew up the information upon my letter to his majesty, or he had no meaning in charging it to be a scandalous libel upon the House of Commons. In my opinion, they would consult their real dignity much better, by appealing to the laws when they are offended, than by violating the first principle of natural justice, which forbids us to be judges, when we are parties to the cause.

I do not mean to pursue them through the remainder of their proceedings. In their first resolutions, it is possible they might have been deceived by ill-considered precedents. For the rest, there is no colour of palliation or excuse.

They have advised the king to resume a power of dispensing with the laws by royal proclamation; and kings we see are ready enough to follow such advice. By mere violence, and without the shadow of right, they have expunged the record of a judicial proceeding. Nothing remained, but to attribute to their own vote a power of stopping the whole distribution of criminal and civil justice.

The public virtues of the chief magistrate have long since ceased to be in question. But it is said that he has private good qualities, and I myself have been ready to acknowledge them. They are now brought to the test. If he loves his people, he will dissolve a parliament, which they can never confide in or respect.—If he has any regard for his own honour, he will disdain to be

any longer connected with such abandoned prostitution. But if it were conceivable, that a king of this country had lost all sense of personal honour, and all concern for the welfare of his subjects, I confess, sir, I should be contented to renounce the forms of the constitution once more, if there were no other way to obtain substantial justice for the people.

JUNIUS.

*The Case of the Lord Mayor, debated in the Court of Common Pleas.*

Few greater questions having been ever agitated in this kingdom than the power of the Commons to imprison *discretionally*, we are happy in an opportunity of laying the unanimous opinion of the common pleas on this occasion before our readers.

On Monday, April the 22d, at half an hour after eleven, the Lord Mayor was brought into the court of common pleas by Major Collins, Fort Major of the Tower, in consequence of a writ of Habeas Corpus issued from that court.

Mr. Serjeant Glynn. I humbly move your lordships that the writ of Habeas Corpus and the return to it may be read.

They were read: but the Chief Justice de Grey pointed out some mistakes in the return. The return was directed to be amended. It was accordingly amended by Major Collins, but Mr. Glynn was not satisfied with the regularity of such amendment.

Chief Justice. Brother Glynn, you move that THIS may be read.

Mr. Glynn. No, my lord, I move that the RETURN to the writ of Habeas Corpus may be read.

Chief Justice. You move that THIS may be read.

Mr. Glynn. No, my lord, I move that the RETURN may be read.

Chief Justice. The return must be made by the lieutenant of the Tower or by his deputy, to whom the writ is directed.

Mr. Glynn. Major Collins is neither lieutenant of the Tower nor his deputy.

Major Collins. I am deputy for the Lieutenant Rainsford.

Mr. Glynn. No you are Fort Major.

After this, some irregular conversation passed between the court and the counsels, and the court seemed to throw out that they could do nothing with such a return; because it was directed to the chief justice of the common pleas, and not to the court: and that therefore it was not a return to the writ.

Mr. Glynn. Very well, then here is a writ of Habeas Corpus to which no return is made.

Chief Justice. I suppose this return was made by consent of the parties, and that they have done it as a matter of course without consulting counsel.

Mr. Glynn. I know nothing of any





BRASS CROSBY Esq.<sup>r</sup>  
*LORD MAYOR of LONDON.*







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of parties; nor do I believe there was any: nor does any such thing appear before the court: We have not to answer for any mistake in the return.

*Chief Justice.* It does not signify how the mistake happened; but if there is no return made to the writ, we cannot proceed.

*Mr. Glynn.* The officer of the Tower to whom the writ is directed must look to his own return.

*Chief Justice.* It lays upon you, Mr. Glynn, to set this right; the court will give no directions.

*Mr. Glynn.* My lord, it lays upon the person to whom the writ is directed to make the return. My lord, the writ is in part obeyed: the body of the prisoner is brought here before the court, that is one thing contained in the writ: if there is any defect or mistake in the other part necessary, that is, in returning a proper and sufficient cause for detaining him; it then follows that the Lord Mayor is unjustly detained for any reason that appears to the court, and therefore must be discharged. It lays upon the proper officer of the Tower to do his duty, by making a return to the writ of Habeas Corpus: if he has not made a return, he may be punished by attachment. It seems that it appears to your lordships that no return is made: the writ of Habeas Corpus then is disobeyed; punishment for this neglect might follow; but the end of the writ itself will best be answered by releasing the prisoner, since he is present and no cause returned for detaining him. The Lord Mayor is now here before you; and since no reason, if no return, appears before the court for his detention, he must be discharged. I therefore, move your lordships that he be released.

*Chief Justice.* That cannot be, Brother Glynn, the Lord Mayor is not here: he is not before the court: the return of the writ is made to the Lord Chief Justice of the common pleas, and not to the Court of common pleas: the court therefore can take no notice of him: he appears before me indeed, but not before the court; and the court can take no more notice of him than if he had appeared before me in my chambers.

*Mr. Glynn.* I beg your lordship's pardon; the Lord Mayor is now in court; he is before the court; and if your lordships cannot take any notice of a return made to the chief justice of the common pleas and not to the court; yet the Lord Mayor is now here present; and in this case it matters not by what means he got here, whether sent by the lieutenant of the Tower or not. Here he is; and if there is no sufficient cause returned to this court for detaining him, he must be discharged.

*Chief Justice.* Where is the writ? where is the return? Let me see them. (They were handed to his lordship, and he perused them with great attention.)

*Mr. Serjeant Jephson.* The writ of Habeas Corpus is issued to bring before this court the person and the cause of detaining him. A partial return is made: the writ is in part obeyed; the person is brought, not the cause: suppose only the writ itself and the person had been returned, Will the court say the person does not appear? Suppose there is no cause of detention to be given, must the person be remanded till the officer who has detained him can return some cause. I humbly conceive, my lords, that if there is no cause returned, or no return made to the writ, the court must discharge the person.

*Mr. Justice Gould.* I would recommend it to the attention of my brothers Glynn and Jephson to consider whether the words they object to in the return may not be considered as words of surplusage, and whether the return may not be substantially valid.

*Mr. Glynn and Mr. Jephson.* The objection to the sufficiency of the return did not come from us, but from the Bench. We have not seen nor heard the return. The address of it only has been read. The return, whatever it be, should be filed, and if there are objections to it, we shall take our opportunity to urge them.

*Mr. Justice Blackstone.* The question is whether the return shall be read.

*Mr. Jephson.* We have not objected to reading the return; it was the court objected.

The court then agreed that the words of amendment, which had by their own directions been inserted, should be struck out, and that the return should be filed and read. The return was then read.

*Mr. Glynn.* The return which has been read is quite sufficient for the court to enter into the question: I do not mean it is sufficient in point of form; but we do not wish by sticking to punctilios and little matters of form to evade or to lose the decision of this very important and constitutional question. The Return states the imprisonment of the Lord Mayor to be by a warrant of Sir Fletcher Norton; which warrant states an order of the House of Commons to take the Lord Mayor into custody for a breach of privilege; and it appears on the return what that breach of privilege is. When any person is brought here by a writ of Habeas Corpus the judges are to satisfy themselves about the causes of his detention. Acts of the highest authority are subject to the inquiry of the courts of Westminster-hall, which extends not only to the acts of inferior, but also of co-ordinate and superior powers. A breach of privilege is stated; the court must determine whether the fact charged is by law a contempt or a breach of privilege. The House of Commons has a certain jurisdiction; the court must judge whether it has not transgressed the bounds of its jurisdiction, and the court must pronounce upon it. If the king exercises any act of power which is not conformable to law, the court will remedy it.

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The old writ *de Homine replegiando* did not comprehend the mandates of the king; but the Habeas Corpus extends to them and to all acts of power not conformable to law. If the court of chancery, which is a superior court in civil cases should exceed its jurisdiction and interfere by injunction in criminal cases, the inferior court would determine against the chancery. This court likewise must inquire whether the house of commons has not exceeded its lawful jurisdiction. The Lord Mayor is charged with a contempt: the question is, whether the Lord Mayor is guilty of a contempt; that is, whether the fact charged upon him amounts by law to a contempt. The House of Commons make an order for committing a printer; and that order expresses who shall take him into custody, the sergeant or deputy sergeant. The printer is taken into custody by a messenger; he complains to the Lord Mayor; the Lord Mayor examines into his complaint; he proceeds judicially and according to law; and thinking that the warrant does not justify the custody, he discharges the printer. How does this interfere with the lawful jurisdiction of the House of Commons? and how does it exceed the lawful jurisdiction of the Lord Mayor? The jurisdiction of the house must be limited to some particular objects: the claim of an unlimited power and authority in this country destroys itself. In the great question about the Aylesbury men, we find that in a conference between the lords and commons it was agreed, that they cannot by any vote or resolution of their own acquire any new privilege. Here is a warrant signed by Sir Fletcher Norton, Speaker. *Sir Fletcher Norton* has no personal authority to commit whom he pleases. The *Speaker*, as such, has no official authority. Whatever authority he can have must be as the instrument of the House of Commons: his acts can be valid only by the orders of the house: But the warrant is made contrary to the order of the House, as appears to you by the return itself; consequently the speaker having no authority of his own, and the warrant being contrary to the order, the warrant is invalid. The House of Commons have not an unlimited jurisdiction; the Lord Mayor was therefore obliged to examine whether the act of power exerted by them was within their jurisdiction. The printer was charged with no crime: The House of Commons have no right to inflict any punishment on the printer for the act with which he is charged. There is nothing to be pretended in favour of this proceeding of the House of Commons, but their transcendent power: Now it would totally destroy all the benefit and the very end of the Habeas Corpus, if the transcendency of any power whatever could blind the eyes of a court of justice and prevent their enquiring into its acts: such a decision by judges sworn to administer faithfully the laws would be fatal to every thing that is worth preserving in our

boasted constitution, and would leave the unhappy subjects of this country in a state much worse than a state of savage nature. Holt held, that if what the House of Commons called a contempt was not by law a contempt, the person committed for it must be discharged; and in this opinion he was supported by the House of Lords, who in those days remembered that they were the hereditary guardians of the people. Again, Holt held that the order of the House of Commons, forbidding any one to seek or pursue a legal remedy against their orders, was entirely illegal; and he discharged accordingly the persons committed for contempt of that order. If the *Lex et consuetudo parliamenti*, of which we hear so much and know so little, be indeed a part of the law of the land, the judges are bound to take notice of it, and to decide upon it as they do upon every other part of the law. It has been said that Lord Chief Justice Holt was single in his opinion. Be it so, yet I will venture to say that his opinion will not to any honest mind be found light in the scale when weighed against that of the other judges. But he was not single, he had Truth and Justice and Honesty with him, as well as the strongest arguments which the conference with the lords afforded, arguments which have never been, and which cannot at this day be answered. The other three judges differing in opinion from Holt, there was a writ of error to the lords; and if the temper of the times had permitted it, it may easily be collected from the arguments above referred to, that it would have had from the lords a most solemn and most just decision.

*Chief Justice.* Brother Glynn, that writ of error you speak of was never brought before the lords.

*Mr. Glynn.* It is true, my lord, it was never brought directly in question before them; because doubts were started whether it was a writ of right or of favour, which might be refused by the particular officers. This caused a petition to the queen, who was desirous to have had the point settled for her subjects; but unhappily for us the particular circumstances of those times prevented it; and the parliament was dissolved.

*Chief Justice.* The two houses addressed the queen for different purposes. The lords said it was time enough to decide upon the writ of error when it came before them.

*Mr. Glynn.* It is for that reason, my lord, I said I collect it from other arguments which make it very plain that the subject would have had satisfaction and redress from their decision. The question at present is, Whether the word privilege is to be supposed so mystical as to exclude all inquiry. My lord, I deny that the Lord Mayor's act is a breach of any privilege of the House of Commons: the Lord Mayor had a full jurisdiction in the case; and he was obliged to



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decide: shall his opinion be construed a contempt? Is this the law of the land, that when different courts having jurisdiction of the same nature, differ in their decisions, they are guilty of contempts one to the other, and may be punished for such contempts? It is no contempt in me a private man to entertain an opinion different from that of the greatest authorities: If it was the Lord Mayor's opinion he was bound by his oath to act in consequence of it: he would have been perjured if out of respect for any persons he had not obeyed the call of his conscience. It was no crime for him to entertain the opinion; entertaining it he was bound to declare it; and it was his duty to act in consequence of it. The conscientious act of a magistrate within the limits of his jurisdiction can never be a contempt. Unless a magistrate acts from corrupt motives he cannot be punishable. But suppose for a moment the Lord Mayor did not act from his opinion, but from some corrupt motive, it is not the House of Commons, but a jury that must judge of it. The duty of a magistrate differs widely from that of an officer; from the latter a full and ready obedience is expected to the orders of the court whose officer he is, and the orders are his justification; but the magistrate has an oath and an opinion which he must follow, and he is answerable to the law, and cannot be justified for the breach of his oath and the law by any order or resolution of the greatest authorities. If courts of justice determine erroneously are they likewise guilty of a contempt? Your lordships are not now called upon to determine that the cause for which the Lord Mayor discharged the printer is a sufficient cause; but whether the Lord Mayor in a case where he had an indisputable jurisdiction, acting by his opinion and according to his oath, is guilty of a contempt, and can by law be imprisoned? Whatever may be the sufficiency or insufficiency of the return now made to the writ, I hope the subjects of England will not go without the decision of this great constitutional question: I have therefore forbore to meddle with the formality of the return, being well assured your lordships will allow to the Lord Mayor the benefit of such insufficiency."

*Mr. Serjeant Jephson.* My lords, as I shall not have an opportunity of answering any argument from the bench, nor can possibly know the objections your lordships may have to releasing the Lord Mayor, I will endeavour to obviate all the objections which occur to me. I shall consider the nature, the return, and the consequence of the writ. It is a writ of right: a legal cause of detention not being returned, the subject must be enlarged. The purpose of the writ is to have a legal cause returned. It appears from the cases of Sir William Thicknesse 4 inst. 434. — Sir William Chauncey 12 Coke's Rep. 23. and from Bushell's case in Vaughan's Re-

ports, that the cause of imprisonment ought to be as specifically returned to those who judge upon the writ of Habeas Corpus, as to those who first committed the person. Again Bethell's case, Salkeld; where commitment is without a legal charge the person must be discharged. Again Search's case 1 Leonard 70, where the queen had taken a person into her protection, who notwithstanding was arrested, and the person arresting committed and on Habeas Corpus discharged. See again Doctor Alfonso's case 2 Bulstrode—Markham, Croke Car 507—Lawson ibid. 597—Apsley 1 Rolls Rep. 211.—Rushfort ibid.—The determination in all cases the same; if a legal charge is not returned the persons must be discharged: the court must judge of the cause of commitment returned: if not, why should the writ command the return of the cause? The cause is returned that the court may judge whether the person is intitled to his liberty or not. It is no objection in this case to say that the House of Commons having a power to commit, therefore this court must not judge of the cause of commitment returned; for this would prove too much, because it would go to every court having jurisdiction. Suppose the King's Bench, which is a court superior to this, should commit; and the person committed should be brought here by Habeas Corpus; would not this court take notice, and inquire into the cause returned; and if this court thought it not a sufficient cause, would not your lordships discharge the person? otherwise how would the end of the writ of Habeas Corpus be answered? It is no objection in this case to say that the court cannot examine the cause as stated in the return, because the court would then determine upon the privileges of the House of Commons: the court must and does frequently determine upon the privileges of parliament when they come incidentally before them. Earl of Banbury's case, Salkeld and others, where the King's Bench determined him to be a peer, though the House of Lords had before determined him not to be a peer. This court made no hesitation to determine in Mr. Wilkes's case on the privileges of parliament; where the question was whether being committed for a libel he was intitled to privilege? The court in this case determined what was the privilege of parliament, why should they not as well determine what is not the privilege of parliament? Indeed even in that case they must have enquired what was not the privilege of parliament in order to determine what was. In Lord Shaftesbury's and Mr. Murray's cases the return was generally a contempt. We contend at present that the charges returned can by no legal construction whatever amount to a contempt; and therefore that the Lord-Mayor must be discharged. The House of Commons having determined it to be a contempt does not alter the case: a

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act does not become a contempt by being recited as such. The court must consider whether the warrant of the Lord Mayor's commitment is the warrant of the speaker, or the House of Commons. The court will easily see that Sir Fletcher Norton may act in a double capacity."

(A loud continued laugh.)

"The court may suppose him to act in his private capacity."

*Chief Justice.* He signs himself speaker.

*Mr. Jephson.* The signature does not prevent the supposition, if the cause is not sufficient; and the court may rather chuse to suppose the mistake committed by Sir Fletcher Norton than by the House of Commons. Suppose some future speaker of some future House of Commons should recite in his warrant, that the House of Commons had adjudged it a breach of privilege and a contempt to sue out a statute of bankruptcy against one of their members, which by act of parliament any one is permitted to do; and should in consequence commit a person for a such a legal act; if the person was brought by writ of Habeas Corpus before this court, would the court not take cognizance of the commitment? would they not determine it no breach of privilege? are acts of parliament of less force than such a recital of a speaker's warrant?—Suppose a man is committed by a similar warrant for proceeding according to act of parliament against a member of the house in a case of a debt; shall he have no remedy from the laws which have led him into the transgression?—Suppose a justice of the peace should commit a member of the House of Commons for treason, felony, or breach of the peace, and the speaker's warrant should recite it to be a contempt; will this court say it can take no cognizance of a commitment by the House of Commons, if the return charges a contempt? will the court say, the house has a power to commit for contempts, and they call this a contempt, and they alone are to judge of their own contempts?—Suppose all the officers of this court should be recited to be in contempt for executing the process of this court; will this court give no remedy; and must this and every other court of justice be annihilated whenever the speaker's warrant declares all its officers in contempt? how is it possible to distinguish the present case from those I have mentioned, if you must not examine the cause returned, but say it is sufficient if contempt is charged? Serjeant Hawkins, vol. II. p. 110, gives us clearly enough what his thoughts were on this subject.—I think I have now sufficiently cleared this case from all the objections that can be brought against its being enquired into. The question therefore is, Whether on the return there appears sufficient cause of detention? Three causes are mentioned, and all urged as breaches of privilege and con-

tempts. 1. discharging a printer. 2. Signing a warrant for the messenger; and 3. holding him to bail. To make the Lord Mayor guilty of the 1st contempt, it ought surely to be proved at least that Miller was in the legal custody of the messenger: now Miller never was in the legal custody of the messenger; for the warrant was directed to the serjeant or his deputy: and I am well persuaded, that on an action for false imprisonment the messenger would not be able to justify. For the 2d charge of a contempt, it must be considered that the Lord Mayor's warrant was against a messenger; and what contempt it is to sign a warrant against a messenger?

*Mr. Justice Gould.* The messenger was committed for having executed a warrant of the speaker.

*Mr. Jephson.* That does not appear; your lordships cannot know that: for the return only says, for signing a warrant against the messenger.

*Lord Chief Justice De Grey.* If either myself or any of my brothers on the bench had any doubts in this case we should certainly take some time before we delivered our opinions; but the case seems so very clear to us all that we have no reason to delay. The writ of Habeas Corpus by which the Lord Mayor is now brought before us is a writ of common law, because it is not endorsed *per Statutum*; and this was very properly done by the counsel for his lordship, because all the judges, including Holt, agreed that such a writ of Habeas Corpus as the present case required is not within the statute. This is a writ by which the subject has a right of remedy: therefore the court must consider whether in this case the authority of committing is legal: if so, if the commitment is made by those who have an authority to commit, this court cannot discharge. If it is a commitment in execution, this court cannot bail; this court must consider whether the authority committing is legal: the return states the commitment to be by the House of Commons for a contempt; that is, for a breach of privilege; and this contempt is as the counsel has truly described it three fold; discharging a person in custody,——signing a warrant for commitment of the messenger,——and holding him to bail; that is, treating a messenger of the House of Commons as acting criminally in the execution of the orders of that house. In order to see whether that house has authority to commit see Coke 4 inst. 1:—They certainly have such an authority; and it is legal because necessary. In some cases Coke says they have a judicial power. This right is necessary to the House of Commons, that it must be inherent in it by the very nature of its institution; and therefore is a part of the law of the land. They certainly always could commit in certain cases: in matters of election for instance, they can commit sheriffs, mayors, officers, witnesses, &c. and it is now agreed



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that they can commit generally for all contempts.—See 4. instit. 23. 14. All contempts are either punishable in the courts contemned or in some higher court: now the parliament has no superior court; therefore their contempts can be punished only by themselves. The act 1 Jac. I. 13. I mean the proviso to that act, sufficiently proves that they have a power to punish. In the case of the Aylesbury men, their counsel admitted, Holt owned, and the lords acknowledged that the House of Commons had a power to commit for contempt and breach of privilege. Indeed they must have a power to commit and punish for every crime whatsoever, because they have a power to impeach for any crime whatsoever. When the House of Commons adjudge any thing to be a contempt or a breach of privilege, their adjudication is a conviction; and their commitment in consequence is execution; and no court can discharge or bail a person that is in execution by the sentence of any other court. The House of Commons therefore having an authority to commit: and that commitment being an execution, the question, is what shall this court do? It can do nothing when a person is in execution by a court having jurisdiction. Objection is made that the House of Commons have not this power, have not this authority; and if they have it, that in this case they have not used it properly and that in this case the execution of their orders was irregular. In order to judge I will consider the practice of the courts in common cases. There is no instance of courts taking cognizance of such executions; or of the commitments of this kind. There is no precedent of Westminster-hall interfering in such a case. See Sir J. Aston, Coke Rep. 10. besides the rule is that the court of remedy must judge by the same law as the court which commits. Now this court cannot take cognizance of a commitment by the House of Commons; because it cannot judge by the same law; for the law by which the commons judge is unknown to us. The King's Bench is co ordinate with this court, yet in their case if it should commit any person and the return was a contempt, this court would not discharge. See Chambers, Croke &c. Formerly, when many abuses were committed and the people could not obtain a remedy, the subject was not contented with the ancient Habeas Corpus, but did not complain of the courts for refusing them what they could not by law grant them; instead of that they sought redress by petition to the Throne. In the late chief justice's time, a person was brought by Habeas Corpus before this court who had been committed by the court of Chancery at Durham; the court being competent and having jurisdiction the man was not discharged but recommitted. Now then can we do any thing in the present case when the law by which the Lord Mayor is committed is different from the law by April, 1771.

which he would be relieved: he is committed by the law of parliament, and yet he would have redress from the common law: the law of parliament is only known to parliament-men by experience in the house; Lord Coke says, every man looks for it, but very few can find it.

I wish we had some code of the law of parliament, but till then it is impossible we should be able to judge of it. Perhaps a contempt in the House of Commons, in the Chancery, in this court and in the court of Durham may be very different; therefore we cannot judge of it, but every court must be the sole judge of its own contempts. Besides as the court cannot go out of the return, how can we enquire into the truth of the fact or the nature of the contempt; we can examine no parties; we can hear no witnesses; we can issue no process; we are even now hearing *ex parte*; and without any counsel on the opposite side. Again, if we could determine upon the contempts of any other court, so might the other courts of Westminster-hall; and what confusion would then ensue? none of us knowing the law by which persons are committed by the House of Commons, if three persons; were committed and applied severally to different courts, one court perhaps would bail; another court discharge; a third re-commit. Two objections have been urged which I own have great weight because they hold forth, if pursued to all possible cases, consequences of most important mischief. It has been said that if the rights and privileges of parliament are legal rights, for that very reason the court must take notice of them, because they are legal; and that if the law of parliament is part of the law of the land, the judges must have cognizance of one part of the law of the land as well as of the other: but this objection will not prevail. There are two sorts of privileges which ought never to be confounded; personal privilege, and the privilege belonging to the collective body: one way of using privilege used to be a plea to the jurisdiction of the courts, which operated as a superiendeas, under the great seal: this is now disused, since 11. 12. William,—see strange Rep:—and Lord Fortescue.—There is a great difference between matters of privilege coming incidentally before the court, and being the point itself directly brought before the court: in the one case the court will take notice of them; because it is necessary in order to prevent a failure of justice; as in Lord Banbury's case, where the King's Bench determined against the determination of the House of Lords; but in that case the court considered the legality and validity of letters patent, without regarding the other right of a seat in the House of Lords with which the court did not concern themselves. I wish the counsel at the bar had produced one instance of any court determining a matter of privilege which did not come incidentally before



fore them but directly in point. It is the same thing sometimes with cases of descent where property is to be determined and depends upon legitimacy; the courts will then determine legitimacy, which however belongs not to them but to the spiritual court; and it is true that in such cases likewise the courts of Westminster-hall determine by very different rules from the spiritual courts. But the present case differs much from those which the courts will determine; because it does not come incidentally before us but is brought directly and is the very point in question: and to determine it we must supersede the sentence of a House of Commons, when it is a sentence and commitment in execution. Another objection has been made which likewise holds out to us, if pursued in all its possible cases, some very dreadful consequences: and that is the abuses which may be made by jurisdictions from which there is no appeal, and for which abuses there is no remedy. But this is unavoidable; and it is better to leave some courts to the obligation of their oaths: we may safely, nay we must depend upon the discretion of some courts. A man not long ago was sentenced to stand in the pillory by this court of Common Pleas for a contempt. Some may think this very hard to be done without a trial and without a jury: but it is necessary. Suppose the courts should abuse their jurisdiction; there can be no remedy for this: it would be a public grievance; and redress must be sought from the legislature. The laws can never be a prohibition to the house of parliament; because by law there is nothing superior to them. Suppose they too, as well as the courts of law, should abuse the powers which the constitution has given them; there is no redress, it would be a public grievance: the constitution has provided checks to prevent its happening: it must be left at large; it was wise to leave it at large; some persons, some courts must be trusted with discretionary powers; and though it is possible it is in the highest degree improbable that such abuses should ever happen: and the very supposal is answered by Hawkins in the place cited at the bar. As for the case mentioned of the Chancery committing for crimes, that is a different thing; because the Chancery has no criminal jurisdiction, but if it commits for contempt the persons will not be discharged by any other court. Many authorities and arguments may be drawn from the reign of Charles; but they admit of a very short answer, they were times of contest. At present when the House of Commons commits for contempt, it is very unnecessary to state what is the particular breach of privilege: it would be a sufficient return to state breach of privilege generally. This doctrine is fortified by the opinion of all the judges. See Shafesbury's case: and I never heard this decision complained of till 1704, though

the were times of heat, the judges could have no motive in their decision but a regard to the laws: the houses disputed about jurisdiction, but the judges were not concerned in the dispute. As for the present case, I am perfectly satisfied that if Lord Holt himself were to determine it, the Lord Mayor would be remanded. In the case of Mr. Murray the judges could not hesitate concerning the atrociousness of a man who refused to receive his sentence in a proper posture: all the judges agreed that he must be remanded, because he was committed by a court having competent jurisdiction. Courts of justice have not cognizance of the acts of the house of parliament, because they belong *ad alium examen*. I have the most perfect satisfaction in my own mind in this determination. Sir Martin Wright who felt a generous and distinguished warmth for the liberty of the people; Mr. Justice Dennison, who was so free from connexions and ambition of every kind; and Mr. Justice Foster, who may be truly called the Magna Charta of liberty, liberty of persons as well as fortunes; all these reverend judges concurred in this point. I am therefore clearly, and with full satisfaction, of opinion, that the Lord Mayor must be remanded.

*Mr. Justice Gould.* Much stress has been laid upon an objection, that the warrant of the speaker is not conformable to the order of the house; and yet no such thing appears upon the return, as has been pretended: the order says, that the Lord Mayor shall be taken into the custody of the sejeant or his deputy; it does not say *by* the sejeant or his deputy. This court cannot know the nature of the power and proceedings of the House of Commons: it is founded on a different law: the *lex et consuetudo parliamenti* is known to parliament-men only — Trewynar, Dyer 59, 60—When matters of privilege come incidentally before the court, it is obliged to determine them to prevent a failure of justice. It is true this court did in the instance alluded to by the counsel at bar determine upon the privilege of parliament in the case of a libel; but then that privilege was promulged and known; it existed in records and in law books, and was allowed by parliament itself; but even in this case we now know that we were mistaken; for the House of Commons have determined that privilege does not extend to matters of libel. The cases produced respecting the high commission court &c. are not to the present purpose; because these courts had not a legal authority. The resolution of the House of Commons is no adjudication; and every court must judge of its own contempts.

*Mr. Justice Blackstone.* The present case is of great importance because the liberty of the subject is materially concerned. Here is a member of the House of Commons committed in execution by his own house: that



House is supreme in its own privileges, and over its own members. All courts, by which I mean to include the two houses of parliament and the courts of Westminster-hall, can have no controul in matters of contempt. The sole adjudication of contempts and the punishment of them in any manner belongs exclusively and without interfering to each court. Infinite confusion and disorder would follow if courts could by writ of Habeas Corpus examine and determine the contempts of others. It is a confidence which may with perfect safety and security be reposed in the judges and the houses. The legislature since the revolution (see 9, 10, William, Cap. 15.) have created many new contempts. The objections which are brought of abusive consequences prove too much, because they are applicable to all courts of *de iure* resort: *Et ab abusu ad usum non valet consequentia* is a maxim of law as well as of logic. General convenience must always outweigh partial inconvenience; even supposing, which in my conscience I am far from supposing, that in the present case the House has abused its power. I know and am sure that the House of Commons are both able and well inclined to do justice. How preposterous is the present murmur and complaint! the House of Commons have this power only in common with all the courts of Westminster-hall: and if any persons may safely be trusted with this power, they must surely be the Commons, who are chosen by

the people: for their privileges and powers are the privileges and powers of the people. There is great fallacy in my brother Glynn's whole argument, when he makes the question to be, whether the house have acted according to their rights or not. Can any good man think of involving the judges in a contest with either house of parliament or with one another; and yet this manner of putting the question would produce such a contest. The House of Commons is the only judge of its own proceedings: Holt differed with the other judges in this point; but we must be governed by the eleven and not by the one. It is a right inherent in all supreme courts; the House of Commons have always exercised it. Little nice objections of particular words and forms and ceremonies of execution are not to be regarded in the acts of the House of Commons; it is our duty to presume the orders of that house and their execution according to law. I therefore concur entirely with my Lord Chief Justice.

*Mr. Justice Nares.* I shall ever entertain a most anxious concern for whatever regards the liberty of the subject: I have not the vanity to think I can add any thing to the weight of the arguments used by my Lord Chief Justice and my brothers: I have attended with the utmost industry to every case and argument that has ever been produced on this subject; and most heartily and readily concur with my Lord Chief Justice."

## AN IMPARTIAL REVIEW of NEW PUBLICATIONS.

### ARTICLE I.

*THE Brighthelmstone Directory, or Guide for that Place.* 1s. Taylor.

We took no notice of this little production when it first appeared but since we have before us a new edition with a frontispiece, and the whole more correct than the former, we are induced to take some notice of it for the benefit of our readers, as it gives an account of a sea bathing place nearer to the metropolis than any other, being reckoned no more than 57 miles south from London\*: the superior strength of the sea water on this coast has caused Brighthelmstone to be frequented by the gentry and others.

The directory of which we are speaking is no puerile performance, it is concise and written with perspicuity; there are in it two moments of ancient history I do not remember to have met with before, and a correct account of the roads, stages, waggons, post and packet boats which make it more

valuable to those whom pleasure or convenience may call to this place.

The description as there set down of the general site of the town and country round, is so exactly and pleasingly described, that I shall give it in the author's words.

"The town is built on a hill of an easy ascent, rising from the south east. It is defended from the north winds by hills, which form a kind of theatre round it. The soil is chalky and extremely fertile, the grass growing on these downs is remarkably fine and sweet, which being mixed with various aromatic herbs gives a most delicious flavour to the mutton fed on them. Here is neither swamp or marsh, and as no river is nearer than Shoreham, the air must consequently be very pure: the ground soon becomes dry after wet weather, so that on the heaviest falls of rain the exercise of walking or riding may be immediately used without the least inconvenience.

\* A warmer latitude, and open to the sea breeze, which sets into the bay at S. W. crossing a tract of ocean. These considerations added to the erection of these baths is an undertaking which must prove beneficial to the faculty in general, as it will be a means of applying salt water in various shapes and in its utmost power.



The country is every where open and delightfully variegated with a mixture of hill and dale, the hills, though steep in many places, are all of them covered with the most agreeable verdure, and command most pleasing prospects."

In a part of this directory baths are mentioned to be erected for hot and sea vapour bathings; which is an object too material to pass over. These baths were erected under the immediate direction of Dr. Awstler; it seems they were promised to the public last year, but owing to some unforeseen delays, chiefly to the weather, they could not be got ready. They were not completed till late in the season; but this, though a disappointment, I look upon advantageous to the works, as they have had time to settle and dry.

II. *The History of England, from the Accession of James the First, to the Elevation of the House of Hanover.* By Catherine Macaulay, vol. 5. 4to. Dilly.

The republican principles of Mrs. Macaulay are so well known, that it is scarcely necessary to tell the reader, she is no friend to the present constitution. The volume before us contains the whole period from the execution of Charles the first to the restoration. Cromwell is the particular object of her horror; she embraces every opportunity of painting him in the blackest colours; and, on the other hand, omits no occasion of extolling the merits of the parliament which overturned the monarchy. Notwithstanding these prejudices, however Mrs. Macaulay is happy in her description of characters, and the following of Cromwell, if we except its exaggeration, will, doubtless be acceptable to our readers.

"The domestic administration of the usurper was a greater opposition to the liberty of his country, than his foreign transactions to her security and interest as a state. The models or rules of his government were of his own making; and though he changed them according to his pleasure or convenience, he never abided by the directions of any. He ruled entirely by the sword, burthened the people with the maintenance of an army of thirty thousand men, and more grossly violated their right to legislation by their representatives than had any other tyrant who had gone before him. The power he delegated to his major-generals superseded the established laws of the country. He threatened the judges, and dismissed them from their office, when they refused to become the instruments of his arbitrary will; imprisoned lawyers for pleading in a legal manner the cause of their clients; packed juries; eluded the redress of Habeas Corpus; and kept John Lilbourn in confinement after an acquittance by the verdict of a jury. In the point of religious liberty, the usurper, as it served his purposes, encouraged and oppressed all the different sectaries, not excepting the Papists; and if he

was liberal to men of learning, it was with a view to make use of their talents for his own peculiar advantage. Some face of decency in his court, and continuance of that familiarity to his inferiors by which he had effected his ambitious purposes, were absolutely necessary to the preservation of his power; but so far was he from preserving, or even affecting that simplicity of appearance particularly useful in a supreme governor, that, when only in the character of general of the army of the commonwealth, he lived in a kind of royal state at Whitehall. By his parliamentary interest, he prevented the sale of the royal palaces, with a view to possess them when he had compassed his intended usurpation; and that he never appeared in public without an ostentatious parade and pomp, and lived in high state and magnificence, is confirmed by authentic records, with the testimony of all parties. On the dissolution of the republican government, there were five hundred thousand pounds in the public treasury; the value of seven hundred thousand pounds in the magazines; the army was three or four months pay in advance; the maritime power was sufficiently strong to enable England to give law to all nations; and the trade of the country in so flourishing a condition that nine hundred thousand a year had been refused for the customs and excise. On the death of the usurper, notwithstanding the money he had arbitrarily levied on the people, the aid afforded him by a convention of his own nomination which he termed a parliament, the vast sums he had raised by decimating the cavaliers, the sums paid by the Dutch, the Portuguese, and the duke of Tuscany, with the treasure he at different times had taken from the Spaniards, the state was left in debt, the army in arrear, and the fleet in decay. To these national evils was added the loss of a great part of the Spanish trade, with the foundation of that greatness in the French monarchy which is to this day formidable to the liberty of England.

Such were the fruits of a government carried on on the principles of public good, and of that economy preserved by the parliament; and such the mischief to society, when the lusts of an individual are to be supplied from the public stock, and the general good of the community sacrificed to particular interest. The aggrandizement of the French monarchy, to which Cromwell so essentially contributed, was no less fatal to the interest of the reformed, which he affected to protect, than opposite to the welfare and security of England. To sum up the villany of his conduct in a few lines—he deprived his country of a full and equal system of liberty, at the very instant of fruition; stopped the course of her power, in the midst of her victories; impeded the progress of reformation, by destroying her government, and limiting the bounds of her empire;



and, by a fatal concurrence of circumstances, was enabled to obstruct more good and occasion more evil than has been the lot of any other individual.

It is said that Cromwell was exemplary in the relative duties of a son, a husband, and father; and the whole of his private conduct has been allowed by all parties to have been decent, though his mirth often degenerated into buffoonery, and the pleasures of his table bordered on licentiousness. If, as a citizen and magistrate, his character has been attacked by a few of the judicious, there are none who doubt the almost-supernatural abilities of a man who from a private station, could attain to the summit of splendor and power. The accidental occurrences of life, so frequently favorable to fools and madmen, are never taken into the account of great fortune. Fairfax, though his understanding is allowed by all parties to have been weak, had he possessed a heart as corrupt as Cromwell's might have taken the advantage his military command gave him to tyrannize over a people unsettled in their government, ignorant of their true happiness, and divided both in their political and religious opinions. Fairfax without abilities to be of eminent service to his country, was too honest to do it a real injury. The selfish Cromwell let no opportunity slip to turn to his particular advantage the victories gained on the side of liberty, and establish a personal interest on the ruins of the public cause. That he was active, eager, and acute, that he was a master in all the powers of grimace and the arts of hypocrisy, is obvious in every part of his conduct, but these qualities are no proof of extraordinary abilities; they are to be met with daily in common life, and never fail of success equal to their opportunities. The sagacity and judgement of Cromwell, in that point where his peculiar interest was immediately concerned, will appear very deficient, if we consider the sacrifice he made of those durable blessings which must have attended his person and posterity from acting an honest part, in the establishing the commonwealth on a just and permanent basis, and the obvious danger of those evils he incurred, for the temporary gratification of reigning a few years at the expence of honour, conscience, and repose.

Cromwell, both by the male and female line, was descended from families of good antiquity; and though it does not appear he was a proficient in any of the learned sciences, yet his father, notwithstanding his circumstances were narrow, was not sparing in the article of education. An elevated sense of religion, which took place in his mind after a licentious and prodigal course, recommended him to the reformers of the age, and was the cause of his promotion to a seat in parliament; and the grimace of godli-

ness, when the reality was extinguished by the fumes of ambition, with his signal military talents, at length lifted him to the throne of empire. Notwithstanding that perfection in the science of war to which he attained, he was upwards of forty when he commenced soldier; a circumstance not to be forgotten, as it is the only splendid part of his character. He usurped the government five years; died at the age of fifty nine; married Elizabeth the daughter of Sir James Bouchier; and had issue two sons and four daughters. His eldest daughter was first married to Ireton, afterwards to Fleetwood; the second to John Claypole Esq; of Northamptonshire; the third to the lord-viscount Falconbridge; and the fourth to Henry Rich, grandson of the earl of Warwick."

III. *The Memoirs of Great-Britain, and Ireland, from the Dissolution of the last Parliament of Charles II. until the Sea Battle of La Hogue.* By Sir John Dalrymple. Strachan.

To say that this is a very entertaining performance, is not sufficient, it is a very instructive one; and for the justice of our observation we refer the reader to an extract which he will find in an earlier part of the present number.

IV. *An Introduction to the History of Great-Britain, and Ireland,* By James Macpherson, Esq; 4to. 10s. 6d. Becket.

The early periods of every national history are in general so confus'd that we have frequent occasion to complain of the writers who endeavour to develop them; the present work, however, is an exception to the general rule, and 'tis but justice to say that the ingenious author has executed a very difficult Task, in a manner very honourable to his reputation.

V. *The Shipwreck and Adventures of Monsieur Pierre Viaude, a Native of Bourdeaux, and Captain of a Ship.* Translated from the French, By Mrs. Griffith, 8vo. Davies.

Perhaps since the first invention of letters, there never was a picture of fabulous distress, which exceeded the tale of misery related in this heart-rending narrative, which is unquestionably authentick, and an extract from which will be found in page 194 of this month's Magazine.

VI. *Poems by the Rev. Mr. Cawthorne, late Master of Tunbridge School.* 4to. 5s. Woodfall.

The Author of these poems is no more; but we think his reputation cannot die, till every trace of liberality and genius are annihilated in this country.

VII. *A Refutation of a Pamphlet, entitled: Thoughts on the late Transactions respecting Falkland's Islands.* 8vo. 1s. Evans.

This pamphlet is dedicated to Dr. Samuel Johnson the Author of the "*Thoughts*;" but all we can say is, that the refuter shews more courage than judgement in the choice of his antagonist.



VIII. *Sermons to Young Men*, by William Dodd, L. L. D. 10s. 6d. bound. Knox.

Dr. Dodd's Reputation as a divine is firmly established; it is barely, therefore, necessary for us to say that the sermons with which he has now obliged the world, do equal honour to his head and his heart; and form a very proper companion to the celebrated discourses addressed to the softer sex by a dissenting clergyman of the first character.

IX. *The British Moralists, &c.* 2 vols. 5s. Robinson.

A no contemptible selection of tales, fables, visions, and allegories from Johnson, Hawke-worth and other polite writers.

X. *The Love of Money: A Satire.* 2s. Evans.

We have two fears respecting this performance: our first is that its existence springs from the very passion which it censures; and the second is that the poverty of the execution will entirely disappoint the expectations of the author.

XI. *The Trial of Farmer Carter's Dog, Porter, for Murder.* 1s. Lowndes.

A satire on the game laws, with some strokes at the practice of country magistrates.

XII. *Cricket: an heroic Poem.* By James Love, Comedian. 4to. 1s. Davies.

Mr. Love has long experienced the public favour in his theatrical capacity, and in his literary; we dare say that more than the admirers of the amusement he celebrates will think him entitled to approbation.

XIII. *Reflexions upon the present Dispute between the House of Commons and the Magistrates of London.* 8vo. 1s. Bladon.

As so much is said on this important business not only in the Political Debates, but in other parts of the present Magazine, we shall only say of this writer, that he reasons very tollerably on the unpopular side of the question.

XIV. *Letters from Clara; or the Effusions of the Heart.* 2 vols. 12mo. Wilkie.

The heart from which these effusions pro-

ceed is not only good, but the understanding to which it is allied is very respectable.

XV. *An Essay on the Theory of Money.* 8vo. 2s. 6d. Almon.

An interesting subject discussed by a sensible writer.

XVI. *Harriet: or the Innocent Adultery.* 2 vols. 12mo. Baldwin.

The author of this novel, who writes upon a well known Intrigue in the great world with much shrewdness observes, that though there was cause enough for the husband to be jealous, there was not proof enough to justify the jury in a verdict of adultery against the wife. This is the fundamental principle of his work, which is written in a very agreeable style, and exhibits in a celebrated Countess who assisted the fair delinquent through the course of the amour, a knowledge of character superior to the generality of novellists.

XVII. *Incontestable Proofs of curing the Gout and other chronic Disorders (deemed incurable) by mild and efficacious Medicines originally discovered and chronically prepared by Henry Flower, Gent.*

An empiric modestly endeavouring to establish a great opinion of his own Nostrum.

XVIII. *A Dissertation on the Gout and other chronic Disorders, jointly considered as proceeding from the same Causes.* By William Cadogan. M. D. 8vo. 1s. 6d. Doddsley.

This publication differs widely from the foregoing; 'tis the equal offspring of judgment and benevolence, in which the causes of chronic disorders are described, and their cures asserted to be exercise, temperance, and peace of mind.

XIX. *The Palinode: or the Triumph of Virtue and Love.* By Mr. Treysiac de Vergy. 2 vols. 5s. Woodfall.

Mr. De Vergy does not want talents so much as decency: this, however, is one of his least exceptionable novels; and we, therefore, congratulate him in his dawn of reformation.

## POETICAL ESSAYS.

*The Story of ZEYN ALASMAN Prince of BALSORA, in the Arabian Nights Entertainments, done into English Verse, with Additions and Imitations, in three Cantos.*

### CANTO I.

**T**HERE did (what signifies it when?)  
A monarch o'er Balsora reign,  
Than whom no sultan in the east,  
Seem'd ever, more completely blest.  
But was he happy, think you?—No,  
A king can't possibly be so;

Besides, his majesty could get  
No child that was legitimate,  
Which kept him always on the fret.  
For, such man's disposition, tho'  
A thousand blessings heav'n bestow,  
If but one comfort be deny'd  
He's peevish and dissatisfy'd.  
The queen, you'll easily believe,  
Did no less than her consort grieve;  
She tried the power of magic spells,  
Jaunted to all the baths and wells,



Not their pretended virtues fail'd,  
 And still her barrenness prevail'd.  
 At last, (but by what means and ways  
 No Asiatic author says)  
 Her highness got the business done,  
 And was deliver'd of a son.  
 The guns were fir'd, the bells were rung,  
 The Drum every parish sung;  
 All strove with marks of public joy,  
 To hail the long-expected boy.  
 He, soon as into life he came,  
 Had Zeyn Alafman for his name,  
 Tho' never christen'd: here you'll cry,  
 Lost in amazement, blest me! why?—  
 But you are causelessly surpris'd—  
 Pray, why was you ne'er circumcis'd?  
 To dip, or sprinkle ev'n the face,  
 Was not the custom of the place.  
 The clime where first mankind draw breath,  
 Their colour fixes and their faith:  
 The same excess of solar heat  
 That broils the African to jet,  
 Makes him believe in Mahomet,  
 Who knew to captivate the heart  
 Of those he wanted to convert:  
 Hence flyly he his paradise  
 With wines of choicest taste supplies,  
 And girls that roll bewitching eyes.  
 Nature had been employed too long  
 In forming Zeyn to make him wrong;  
 His frame was strength and beauty join'd,  
 And such the system of his mind,  
 Which a woman's tenderness  
 Gave to the manly virtues grace.  
 But he unluckily was spoil'd,  
 By fond indulgence when a child,  
 And was in the most ticklish age,  
 When the OLD KING forsook the stage.  
 Zeyn, in the lap of pleasure bred,  
 A life of dissipation led;  
 Would listen to the pipe and tabor,  
 When he should with his viziers labour;  
 Would spend his father's precious stores,  
 On high-bred horses, hounds, and whores,  
 And various items of expence  
 Begin'd by extravagance.  
 His mother warn'd him to restrain  
 His squandering humour; but in vain.  
 He wastes his treasure, and that gone,  
 Oppressive taxes next lays on.  
 He fill'd the land with discontent,  
 His rage his grumbling subjects vent  
 In pamphlets, that the odds express  
 Between the former reign and this;  
 The parents of their king compare  
 His plants, that noble foliage wear  
 To the fruit they bear:  
 At last in plain Arabic tell  
 Their tax'd they would rebel.  
 The clamours of his subjects stunn'd,  
 His creditors impatient dun'd,  
 His found affairs grew daily worse,  
 He was constrain'd to change his course.  
 The jolly bacchanalian sound  
 No longer now no more rebound,

No more the melting voice of love  
 Invites him to the myrtle grove:  
 Monsters of frightful, fatal form  
 Attempt his palace gates to storm;  
 Pale Indigence akin to Death,  
 Contempt that freezes with his breath,  
 Gaunt Desolation haggard-ey'd,  
 And mad Despair and Suicide.

One night that Zeyn's most constant guest  
 Repentance had him rock'd to rest,  
 Sudden beside his couch appears,  
 A reverend figure full of years,  
 Apparell'd as a holy man,  
 Who in shrill accents thus began:  
 "Young prince! the God of nature chose  
 "That principles eternal foes  
 "Should this our universe compose,  
 "Thus rest and motion, death and life,  
 "Hold an unintermitting strife,  
 "And ill alternating with good,  
 "Keeps mankind in vicissitude:  
 "Of grief you've had your destin'd share,  
 "To Egypt's capital repair,  
 "Good fortune will attend you there."

This night's adventure was by Zeyn,  
 Imparted only to the queen,  
 Who much dissuaded th' expedition  
 Suggested by the apparition;  
 But something noble in it's eye,  
 Bade Zeyn upon it's word rely;  
 So he continued obstinate,  
 And for Grand Cairo off he set.

That mighty town was far away,  
 And Zeyn rode many a weary day,  
 Thro' labyrinths of forests pass'd,  
 O'er cloud-cap'd hills and deserts vast,  
 But safely he arriv'd at last.  
 When he was fast asleep, again  
 Appears the reverend gentleman,  
 And cries, "Young prince, I'm mighty glad,  
 "To trust me you were not afraid,  
 "I but to try you brought you here,  
 "Back to your capital repair,  
 "Good fortune will attend you there."

The prince was tempted to suspect,  
 He by the phantom had been trick'd;  
 But be that, thought he, as it may,  
 In Egypt 'twere absurd to stay:  
 So after clearing with his host,  
 He rode off for Balfora post.

His disappointment in his travels,  
 Return'd, he to the queen unravels,  
 Who said, "Son henceforth, surely you  
 "Will own me wisest of the two."  
 "Hold, answer'd Zeyn, I hope to night  
 "More satisfaction from the sprite."  
 Accordingly at midnight came  
 The vision wasted in a dream.  
 And thus, "the patient and the brave,  
 "'Tis not my practice to deceive;  
 "To-morrow seek your father's closet,  
 "Altho' your mother should oppose it,  
 "Exhaustless treasures there are laid,  
 "Dig deep—search well—your fortune's  
 made."

Next



Next morn betimes the prince arose,  
 And forthwith to his mother goes,  
 Tells, Grey-Beard had again been at him,  
 And what he said, repeats *verbatim*.  
 The good old lady shook her head,  
 For still she thought her son misled;  
 "You, know," said she, the closet's lin'd  
 "With stones inimitably join'd,  
 "If there you dig, you'll only toil  
 "A pretty piece of work to spoil;  
 "But 'twas no doubt a greater whim,  
 "To go to Egypt on a dream."  
 Zeyn answer'd, "certainly 'twere wrong  
 "In me who have believ'd so long,  
 "To scepticise now that I'm told  
 "This very house abounds in gold,"  
 So having spoke, away he hied,  
 An able pick-ax to provide;  
 Which got, he opes the closet door,  
 And falls to raise the stony floor.  
 The flags were join'd with wond'rous art,  
 The workman not at all expert;  
 So that ere half the labour's o'er,  
 Poor Zeyn perspir'd at every pore.  
 Oft as he stop'd to breathe he'd swear  
 That he the labour would forbear,  
 But patience made him persevere.

At last, as he a cumbrous mass  
 Of pavement heav'd out of its place,  
 He saw a stone that lurk'd below,  
 As marble smooth, and white as snow;  
 This block he found conceal'd a door,  
 Which a steel padlock would secure,  
 But one blow of the hardy ax  
 That puny thing asunder breaks.

The open'd door expos'd to sight  
 A stair-case all of marble white,  
 That to a spacious chamber led,  
 Most whimsically furnished.  
 The floor with China tiles is laid,  
 The roof and walls in crystal clad,  
 And in four equidistant rows,  
 Of forty urns a harvest grows.  
 Zeyn took them to be full of wine,  
 And said, "'tis well I sha'n't repine,  
 "The liquor cannot be but old,  
 "And that I once prefer'd to gold."  
 Then what were the contents he tries,  
 But how ecstatic his surprise,  
 When his bedazzled eyes behold,  
 That every urn was full of gold.  
 He takes a handful of the guineas,  
 And eager runs to where the queen is,  
 Who scarcely can believe her eyes,  
 And straightway to the closet flies,  
 Trips down the marble stairs and turns  
 Out all the gold from all the urns,  
 And cannot but for transport weep,  
 When she surveys the shining heap.

At last her joy somewhat subdu'd,  
 The chamber she attentive view'd,  
 And chanc'd a little urn to spy,  
 That had escap'd the prince's eye;  
 But, on examination, he  
 At bottom found a golden key;

"This key (observ'd the prudent mother)  
 "Must tally with some lock or other,  
 "Which lock undoubtedly will lead,  
 "To where yet greater treasure's hid."  
 So saying, she began to pore  
 Along the wall, to find a door;  
 And one she found, which golden key  
 Unlock'd without difficulty.  
 They pass now to a chamber bright  
 With an unusual sort of light,  
 Where they with admiration told  
 Nine pedestals of massy gold;  
 Of which stupenduous structures eight  
 Support a diamond statue's weight,  
 Emitting party-colour'd rays  
 That flash intolerable blaze!  
 The ninth tho' higher than the rest  
 Was with no precious figure grac'd;  
 A piece of purple sattin spread  
 Conceal'd in part its flaming head,  
 On which Zeyn this inscription read!  
 "These noble images, my son,  
 "Were by long lore and trouble won,  
 "But know *the ninth* does them surpass  
 "As much as they do common glass;  
 "On the *ninth statue* set your heart,  
 "And in pursuit of it depart.  
 "However much the journey tire you,  
 "Again you must revisit Cairo,  
 "Where Morabec, a slave of mine,  
 "Will faithful aid the great design,  
 "And *the ninth statue* shall be thine."

Long in a ruminating mood  
 The prince and royal lady stood;  
 But not his thought nor hers divines  
 Th' enigma of the sattin lines.  
 At last, Zeyn thus, "Say, madam, say,  
 "Shall I such orders disobey?  
 "Still will you your assent deny  
 "With bigot infidelity?"  
 "No," said the queen, "Alasman, no!  
 "In quest of the dear object go;  
 "Go, should you search from pole to pole  
 "Should seas in opposition roll,  
 "Our prophet's self shall be your guard,  
 "And the *ninth statue* your reward."

*End of the first Canto.*

[Canto II in our next]

O D E,

To ALDERMAN OLIVER in the Town.

I.

H A R K! heard ye not yon raging  
 That shook the earth, and rent the  
 skies,

With wonder and affright?  
 'Twas Freedom's voice—thro' all her plains  
 Britannia echoes to the strains,  
 And calls her sons to fight.

II.

Again I hear loud shouts resound!  
 Beneath my feet the rocking round  
 Again amaz'd I feel!

Wherefore amid the lurid air,  
 Does yonder ghastly spectre bear  
 The blood-bespinkled steel?



## III.

another, and another form,  
 Slides shrieking thro' the rolling storm,—  
 I feel its fury rise—  
 The dead, the mighty dead are here!  
 See their sacred shades appear,  
 I mark their flaming eyes!

## IV.

Hail! chiefs with dauntless valour steel'd,  
 From Naseby's long-contested field,  
 Your sinking country's aid;  
 Alas! ye little understood,  
 Your laurels steep'd in patriot-blood,  
 So soon were doom'd to fade!

## V.

And thou! great boast of later days,  
 Crown'd with the palm, and wreathing bays,  
 Immortal Sydney, hail!  
 Not with that sorrow-loaded brow,  
 Withful in death you paid your vow—  
 Dost thou our lot bewail?

## VI.

Why then, (no more let doubt appal)  
 Why then, is Britain doom'd to fall!  
 What means that boding cry?  
 Speak, ye pale legions of the tomb!  
 Cannot read my country's doom  
 In yonder streaming sky.

## VII.

The visionary forms decay,  
 Ah! yet awhile, blest phantoms! stay,  
 Inform my troubled mind,—  
 Charge ye by a nation's fears,  
 Britain's wrongs, by Britain's tears!)  
 Shall freedom be resign'd?

## VIII.

Britain! nurse of ev'ry art,  
 That cheers the mind, or fills the heart,  
 With holy dread of shame;  
 Where mild simplicity inspires,  
 Where radiant truth the bosom fires  
 With honour's genial flame!

## IX.

There love his purple wings displays;  
 There Hymen fans a brighter blaze,  
 And scorns th' unwilling tie;  
 There constancy delights to rest;  
 And pity soothes the wounded breast  
 Of blushing misery.

## X.

Britain! art thou doom'd to fall!  
 The wayward fortune rules the ball!  
 With spiritless pride she tow'rs:  
 Still, as she rolls her restless orb,  
 Division's swollen waves absorb  
 All hope's gay-blooming flowers.

## XI.

Behold, the fatal bands are here,  
 The fiends of hell are shrieking near,  
 I view each grisly form.  
 Where the dire Mægera shakes,  
 Above the clouds, her hissing snakes,  
 Exulting in the storm.

## XII.

The vile corruption steal behind,  
 Whose sordid influence taints the mind,  
 April, 1771.

Lull'd by her wily power;  
 While Freedom in her middle course,  
 Chain'd like the sleeping lion's force,  
 Sinks down to rise no more.

## XIII.

Here sloth on gilded car supine,  
 His head adorn'd with rosy twine,  
 Rests on his nerveless hand:  
 There lawless pleasure whets his strings,  
 And lust displays his footy wings,  
 And waves his blazing brand.

## XIV.

Now tyranny (a pest more fell  
 Howls not thro' all the realms of hell!)  
 Takes his vindictive stand;  
 His voice as bursting thunders loud;  
 His head involving tempests shroud;  
 And ruin arms his hand.

## XV.

—Yet, if to grace a nobler hand,  
 'Midst yonder firm and patriot band,  
 High heaven reserves his fall,  
 Thee, with stern justice by thy side,  
 Thee, whom the manly virtues guide,  
 Foremost at honour's call;

## XVI.

Thee, Oliver! the muse shall mark,  
 Tho' now, like the low-roosted lark,  
 On earth depress'd you lie;  
 Yet shall she hail thy lofty flight,  
 And hear thy pæans with delight,  
 Above the mid-way sky.

## XVII.

What tho' the ruffian sons of spoil,  
 Thy foes, with short-liv'd triumph smile,  
 'Till vengeance set thee free;  
 Soon shall they curse that fatal hour,  
 When drunk with fumes of lawless power,  
 They plac'd their snares for thee.

## XVIII.

So the rash hunter thro' the wood  
 Pursues with joy the savage brood—  
 But starts with wild surprize  
 To see the lion in his toils,  
 And while his trembling step recoils—  
 Fate follows, as he flies.

## EPIGRAM.

OLD Sarah call'd her daughter Nell,  
 Resolv'd to talk her o'er,  
 And said "you love the men so well,  
 You'll certainly turn whore:  
 Nell pertly made her this reply,  
 If I such thing should do,  
 It is no more than Thomas Sly,  
 Has often made of you.

ENIGMA, by THOMAS SADLER.

Addressed to the Ladies.

MY colour is dun and my body seems  
 strong;  
 A beard I have got, and four Tails very long;  
 I'm horn'd like a Monster, on six legs I go,  
 At my mouth two proboscis' to make a strange  
 shew;  
 Like a nightingale, ladies, I sing every night;  
 The housewife when spinning I often delight.



## THE MONTHLY CHRONOLOGER.

THURSDAY, March 21.



**T** Hereford Assizes came on before Sir Wm. Ashurst, the trials of Marmaduke Bowen, Lewis Lloyd Bowen, and John Williams as accessaries to the murder of Mr. Powell, of Glanareth. The trials began at half past six, and continued till half past three. The evidence was in substance what was before produced upon the trial of those persons who were executed for that offence. The jury, after a hesitation of about five minutes, acquitted all the prisoners.

MONDAY, 25.

The dean and chapter of Westminster presented a petition to the House of Commons, claiming a right to the soil of the River Thames, on which the embankment is made at Durham Yard and parts adjacent; the right to which soil had been before claimed by the city of London.

FRIDAY, 28.

A court of common council was held, when the thanks of that court were voted to Barlow Trecothick, Esq; James Townsend, Esq; John Sawbridge, Esq; and the two sheriffs, for their support of the Lord Mayor and Mr. Alderman Oliver. A motion was also made, and carried in the affirmative, to provide a table for the Lord Mayor at the city's expence, suitably to the dignity of the first magistrate of the city of London. This, however, his lordship has politely declined accepting; as did Mr. Alderman Oliver: a like resolution passed at a former court in his favour.

Mr. Sheriff Baker and Mr. Sheriff Martin sent Cards to all the aldermen, informing them that the entertainment, which is customary to be given on Tuesday and Wednesday in Easter week, must necessarily be deferred till after the Lord Mayor's enlargement.

FRIDAY, April 5.

The right hon. the Lord Mayor was brought, in a private manner, to Lord Chief Justice De Grey's, in Lincoln's Inn Fields, by virtue of a writ of Habeas Corpus; when, after hearing counsel, the lord chief justice was of opinion, that he should be recommitted as the parliament was not prorogued. The counsel were, Mr. Serjeant Glynn, and Mr. Lee of Lincoln's Inn.—Mr. Alderman Oliver was carried before Lord Mansfield, at his chambers in Serjeants Inn. The counsel, as also his lordship's opinion, were the same with that of Lord Chief Justice de Grey.—Another reason for their lordship's refusing to grant their enlargement, is, that they could not venture to determine an affair of such moment without the advice of the other judges.—They were attended by the committee appoint-

ed by the city for conducting the affair of their magistrates.

This being the first day of the quarter sessions at Guildhall, there being no locum tenens, the court was opened by the recorder, Sir William Stephenson, Mr. Alderman Peers, and Mr. Alderman Wilkes, the only magistrates present. They proceeded to swear in the grand jury who yesterday afternoon found bills of indictment against W. Whigham, the messenger of the House of Commons, for assaulting and taking into custody John Miller, printer; and against E. Twiss Carpenter for assaulting and seizing the body of J. Wheble, without lawful authority.

Letters in town from the East Indies say, that Commodore Lindsay had dispatched the Hawke Sloop of War in quest of his majesty's ship the Aurora; that she had examined all the harbours and anchoring places in the island of Madagascar, and every port where it was in the least probable she might have been arrived, but without any kind of success; for which reason, there does not now remain the smallest hope of her safety. The same letters add, that this sloop of war found the French had settled and fortified the whole Eastern coast of that great island.

TUESDAY, 9.

This day there was a very full meeting of the society of the bill of rights, in pursuance of the special summons, upon important business. The meeting opened with a confirmation of the gratification before agreed upon to the printers; and a vote of thanks was then resolved upon to the Lord Mayor, for his upright and intrepid conduct in defending the undoubted liberties of the subject against the illegal and arbitrary proceedings of the present H— of C—. During the progress of the debate upon the first motion, a very violent altercation passed, as usual, between Mr. Wilkes and Mr. Horne. Mr. Wilkes, in particular, declared that Mr. Horne's conduct both to him and the public, had neither been consistent with the truth of a clergyman, or the faith and honour of a gentleman. Mr. Horne said, that the society was become nothing more than a scene of personal quarrel; the public interests were absorbed in the passion of one individual; that regularity, decency, order, and concord, were banished together; he therefore moved, "That the society should be dissolved." It was in vain objected, that a motion of that consequence should not be put so suddenly, whatever end to it the present disturbances might afford; that, in fact, the ferment in which the society then was, shewed an improper temper of discussing so serious a question; and that, at least, the sense of the society should be taken, whether they would rescind the resolution.



positive resolution against opening any new subscriptions whatsoever, but for the private purposes of Mr. Wilkes, till the whole list of his debts was discharged; as the charge against the society for existing only in the capacity of Mr. Wilkes's committee, might then be obviated. Both parties, equally sure of a victory, or desirous of meeting their defeat, were eager to put the question. The motion to defer the consideration of a dissolution, was only supported by five members, among whom were Dr. Lee, Mr. Morris, Mr. Grieve, &c. The main question was then put, when their appeared for the dissolution, 24; against 26. Mr Alderman Townsend was in the chair, and the whole number present at the meeting was 53, being the fullest meeting which had ever been held in the society. Lord Mountmorres, and another gentleman, retired before the division. For dissolving the society, there appeared, Mr. Alderman Sawbridge, Sir Francis Bernard, Sir Francis Delaval, Mr. Bellas, Mr. Tooke, Mr. Horne, Mr. T. Oliver, Mr. Twogood, &c.—Against Mr. R. Jones, Mr. Ellis, Mr. Bull, Mr. Baldy, Mr. Adair, Dr. Wilson, Mr. Wilkes, Mr. Charchill, &c. the gentlemen who divided against putting the question. Those who were for the dissolution, having failed in their motion, then immediately proceeded to strike their names out of the society's book, which was first done by Mr. Alderman Townsend, who also struck out, at the same time, the names of Sir Cecil Wray and Mr. Charles Turner, who had authorised him for that purpose. After this, they withdrew into another room, and there signed a resolution to form a new society to exist only upon the public ground. Mr. Morris, Mr. Grieve, Dr. Lee, Mr. Sayer, and others. declared they would follow them in their secession, unless the remaining members of the society came to a resolution to rescind the vote of restriction against opening new subscriptions, as public exigencies should require, whether gentlemen were willing to contribute farther to the discharge of Mr Wilkes's debts or not.

## WEDNESDAY, 10.

Yesterday a general court of the Bank of England was held, when Edward Paine, Esq; was chosen governor, and James Sperling, Esq; deputy-governor. And this day came the choice of directors, when the following gentlemen were elected:

Sam. Beachcroft, Wm. Bowden, Gustavus Brander. Benj. Branfill, Matt. Clarmont, John Cornwall, Edward Darelle, Peter Dumas, Peter Gausien, William Halhed, J. H. Langstone, Robert Marsh, Richard Neave, George Perceas, Henry Plant, William Snell, Sam. Bofanquet, William Ewer, John Fisher, Martin Fonnereau, Christopher Hake, George Hayter, Thomas Plummer, Esqrs.

## THURSDAY, 11.

The earl of Holderness is made governor to the prince of Wales; Leonard Smelt, Esq;

sub-governor; Dr. Markham, bishop of Chester, preceptor; and Mr. Jackson, sub-preceptor.

The supplies for the year, are to be raised in the following manner:

By 50,000 lottery tickets, at 13l. each. By this method 650,000l. will be raised, 500,000 of which is to be distributed into prizes. Ten per cent. is to be deducted from each prize.

691,977l. remaining in the Exchequer, which has arisen from reserves imposing on the sinking fund, is to be applied toward the supplies for 1771; as is also,

1,650,000l. out of such money as may arise from the said fund.

400,090l. which is to be paid by the East-India company;

89,658l. the surplus on grants;

20,000l. out of the money granted for maintaining the force and plantations in America: and,

All the money arising from the duties on gum Arabic, gum Senega, &c. are likewise to be applied to the same purpose.

The declaration was made at the East-India house of the numbers ballotted for directors, on Wednesday evening, which are as follow:

## HOUSE LIST.

*R. Bofanquet	717	John Michie	703
Sir J. Cockburn	681	Fred. Pigou	714
Geo. Cuming	715	John Purling	657
E. H. Cruttenden	709	Tho. Rous	704
Geo. Dudley	715	John Roberts	717
*P. Du Cane, jun.	717	Henry Savage	717
*Hen. Fletcher	715	*Joshua Smith	710
Rob. Gregory	716	*Law. Sullivan	602
John Harrison	717	*Harry Verelst	713
Jos. Hurlock	713	Edw. Wheler	717
Wm. James	675	Dan. Wier	715
J. Manship, Esqrs.	713	J. Woodhouse, Es.	715

These marked thus \* are new ones.

## FRIDAY, 12.

Was held a court of common-council, when Alderman Trecothick, Locum Tenens, acquainted the court, that the bill for embanking the river Thames at Durham Yard had passed the House of Commons; upon which a motion was made, that a petition be immediately prepared and presented to the House of Lords, which was carried in the affirmative, and ordered accordingly.

## THURSDAY, 18.

This day the city were heard by counsel at the bar of the House of Lords, against the Durham Yard embankment bill; the counsel were, Mr. Lee, Mr. Davenport, and another gentleman, for the city, and Mr. Maddox on the other side. Mr. Lee spoke for some time against the bill, and in defence of the city's right to the soil or bed of the river; he acknowledged, that Messrs. Adams were very able and experienced architects; but although he admired the elegance of their buildings, he never could allow that from thence



alone arose a right of building on that ground, which was the property of others.—That the city had a right, and had exercised a right, for numberless years, as landlords of the bed of the river, could be easily proved from the written minutes of the court of aldermen. Accordingly from many different volumes of repertories, various cases were read (some 100 others 150, and others 200 years back) where the city had destroyed stairs and causeways erected on the sides of the rivers, received rents for sheds and embankments, granted leave to erect stairs, &c. and all that parts of the rivers that were beyond the land limits of the city; in particular, a lease of a part of the river now tenanted, at 40s. per Annum, by Sir Joseph Mawbey, on the Surry-side, was produced, and Mr. Mountague of the Chamberlain's Office, swore to the receipt of the rent, together with 4d. yearly, that had been paid almost 150 years, for an election on the side of the river, between Temple-Bar and Somerset-House: among other written testimonies, one was read, where the commissioners of the navy had petitioned, and received leave from the court of aldermen, to make an erection on the Surry side the river.

MONDAY, 22.

This morning, at half past ten, the right hon. the Lord Mayor, left the Tower, attended by the proper officers, and passed through Tower Street, and Cannon Street, to be carried before the court of common pleas in Westminster-hall, to which place he was followed by a vast concourse of people, amongst whom were many very respectable persons. Bow bells began to ring at the time his lordship came out of the Tower, and continued ringing till he was out of the city. Mr. Oliver did no go up.

When he came to the court of common pleas, it was found that there was not a proper return of the Habeas Corpus, the lieutenant of the Tower having directed it to Sir William De Grey, the chief justice, instead of the court. As it was alleged that, in consequence of this error, the Habeas Corpus was not before the court, Serjeant Glynn moved that, as he was in custody, and it did not appear to the court by what authority he was imprisoned, he should be discharged. The chief justice said that he was mistaken in his opinion; since if the Habeas Corpus was not before them, neither could the Lord Mayor be before them. This difficulty, however, was surmounted by amending the return; and Serjeant Glynn made an excellent speech, giving reasons why they should discharge the Lord Mayor. Serjeant Jephson enforced his arguments by many cases in point, and both seemed to have rendered the legality of his discharge absolutely certain. The chief justice then gave his opinion in a long and laboured harangue, in which he endeavoured to invalidate every argument advanced by the counsel, and concluded by declaring that the matter in

question could not come under the cognizance of that court, and therefore that the Lord Mayor ought to be remanded. The other judges, concurred with Sir William De Grey, and the Lord Mayor was remanded to the Tower.

When his lordship came out of Westminster-hall, to return to the Tower, the populace took the horses from his coach, and dragged him in it to the Mansion-house, where he dined; after which he signed several affidavits, and transacted some other business which had been delayed for want of the attendance of the chief magistrate.

TUESDAY, 23.

This being St. George's day, the considerable association of Antigallicans held their anniversary feast at the Ship Tavern at Ratcliff-cross. Mr. Alderman Wilkes, the grand president of this year, Sir Joseph Mawbey, the grand president of the last year, and several other gentlemen, walked in procession with the stewards to Stepeny Church, where an excellent sermon was preached by the Rev. Mr. Evans, chaplain to the Lord Mayor. After divine service the gentlemen of the association went to the Tower to pay their compliments to the Lord Mayor, and to desire his lordship's leave to nominate him to the presidentship for the ensuing year. The Tower gates were shut, barred and bolted against them, and admittance absolutely refused. The picket guard was turned out. Several parleys ensued, and messages passed for above half an hour between the Governor and the gentlemen of the association. At last it was settled that only twenty Gentlemen should be admitted, and a small wicket was opened, through which, and between the guards, they passed to his lordship's apartments. Mr. Alderman Wilkes then in the name of the gentlemen thanked his lordship in a short speech for the noble stand he had made in defence of the liberties and constitution of his country, and desired his permission to nominate him for the presidentship of the ensuing year. The association then joined again at the Tower gates, and proceeded through Whitechapel to the Mile-end assembly room, where the dinner was provided. The number of persons, and the repeated loud shouts of applause, during that long procession, were excessive. The people seemed to have only one heart and one voice. The same unanimity prevailed at the meeting at Mile-end, when 142 of the brethren dined together in the great assembly room. After the usual toasts, Sir Joseph Mawbey took notice, that that meeting was generally understood to be the most numerous meeting in the year of the freeholders of Middlesex, and therefore he wished to take their sense about the propriety of Mr. Wilkes's being a candidate as sheriff for the county the next summer ensuing? After Sir Joseph had finished, two freeholders desired to know what



ould be done in case of Mr. Luttrell's vacating his seat, or of a dissolution of parliament. James Adair, Esq; then said, that both those events had been foreseen, that only three new cases could arise, Mr. Luttrell's vacating his seat, the demise of the crown, or the dissolving of the parliament; that in the first case, the sheriff ought not to obey the writ, nor call the freeholders together, there being no legal vacancy for the county; that as to the two other cases, the same events might happen in any year when Mr. Wilkes was sheriff as well as the present, and therefore could be no particular objection to him at this time; that whenever either of those events did happen, suppose Mr. Wilkes then sheriff, some friend of the cause and Mr. Wilkes would be found to supply the vacancy for the time; that he heartily wished Mr. Luttrell might accept a place the ensuing year, and then the spirit and fidelity of Mr. Wilkes in their cause would be shewn in it's full force and strength. When Mr. Adair sat down, there was a general cry of the question, the question! Sir Joseph Mawbey then said, "as many as are of opinion that Mr. Wilkes be a candidate for the office of sheriff of this county the year ensuing, hold up your hands." Every hand in the room was upon this held up. Success to Mr. Wilkes, as sheriff, was toasted in a bumper with three cheers, and the whole company promised to support his election. Mr. Wilkes then thanked the gentlemen for the honourable testimony they had given him of their approbation, and declared that the public cause was always; nearest his heart, that he lamented the great business of the Middlesex election had so long lain dormant, and seemed of late shamefully neglected; that he wished for an opportunity to revive it, and should rejoice if that was the consequence of his sheriffalty; that so far from betraying the rights of the county, as had been wickedly suggested, he would defend them to the last dying moment; that if Mr. Luttrell should vacate his pretended seat, and a new pretended writ should issue, he would pay no obedience to it, nor call the county together in consequence of an act void in itself; for it must proceed on a supposition, on the lying pretext, of Mr. Luttrell's having a legal Seat in the House of Commons, which no man could have, who was not freely chosen by the people; that Mr. Luttrell could not sit as their representative, the very idea was insolent; that he was seated there by a manifest force and usurpation, by illegal violence; that the county and nation considered Luttrell as having no seat among the representatives of the commons of the realm, and therefore the pretence of it's being vacated was absurd. He likewise mentioned the care he would take of a new freeholders' book, complained of the present as ex-

ceedingly in correct and faulty, every page of which, he said, the agents of the ministry had now got by heart, but he hoped to remedy all the abuses of it, and to give that additional security to the preservation of their lives and properties. Mr. Wilkes concluded, that he pledged himself to them for the preservation of their noblest liberties, the rights of election, that he perfectly knew the consequences to himself of such a contest with the present majority, that he wished for that important hour; that he would be undaunted in the support of their privileges, and of those honourable distinctions he enjoyed by their favour, which the malice of his enemies had only given them more frequent opportunities of confirming to him, and that he expected their support and esteem no longer than every action of his life proved him their faithful servant and the strenuous assertor of the injured rights of that county, and of the whole nation. Mr. Wilkes's speech was received with general applause, and every gentleman present appeared perfectly satisfied. The question was afterwards put, and carried unanimously, that "Brass Crosby, Esq Lord Mayor of the city of London, be chosen grand president for the year ensuing."

## THURSDAY, 25.

The higher assembly concluded their investigation of the embanking bill, on which they had been employed six days. Having had the fullest evidence on the subject, and heard council: they debated the question in the house, and it was carried in favour of the embankment and for committing the bill, twenty-nine to four.

The evidence on the side of the embankment was universally allowed to be the most satisfactory and conclusive that has ever been produced in any cause, inasmuch that Lord Camden, tho' strongly inclined to support the city, could not defend their claim of right to the soil of the river, and was obliged to acknowledge the public utility of the embankment; and allowed that the manner in which the city had exercised their office of conservancy was criminal.

Thus have the city of London been led into a most unfortunate opposition, carried on for a length of time, at an enormous expence; and have so exposed their titles, which till this time were not sufficiently understood, that they must thereby forfeit a revenue perhaps of forty thousand pounds per annum to gain what their own council acknowledged could not be valued by a jury at more than five pounds.

If the city had succeeded in this measure, it must have been fatal to an undertaking which has merited the public approbation, as the noblest and most elegant attempt to improve and embellish the capital.



## A M F R I C A.

New-York, Feb. 14. We learn that an English schooner arrived lately at Statia, the master of which informed, that near that place he was brought to and robbed by a Spanish armed vessel; that the Spaniards stripped and bound the crew, telling them that war was declared, and after whipping them severely suffered the vessel to proceed on her voyage.

New York, Feb. 15. The following is extracted from the votes of the House of Assembly against paying off the arrears of the barrack money, &c. pursuant to the billeting statute. A motion was made by Capt. De Lancey, in the words following, viz.

"Mr. Speaker, I move that there be allowed to E. and G. Banker, out of the first monies arising from the loan-office bill passed this house, for monies advanced on account of this government, and services performed, 1017l." And debates arising upon the said motion, and the question being put thereon, it was carried in the negative.

## E A S T I N D I E S.

*Extract of a Letter from Madras, dated August 24.*

Heyden Ally Cawn, with whom the English were at war on the coast of Coromandel in 1768, is now besieged by Nanah, the king of the Maratta Horse, in Vidanar Fort. Heyder has sent down to Madras, praying for assistance and relief from the English, wanting chiefly field pieces, cannon, &c. but the English refused him, and stand neuter, taking no part in their disputes. The Nabob, Mahomed Ally Cawn of Arcotte, now resides at Madras, and has almost paid off the monstrous debt he contracted with the English, who supported him against Heyder Ally Cawn in the war in 1768."

*Extract of a Letter from an Officer at Bengal dated Calcutta, Sept. 4, 1770*

"You will undoubtedly receive very shocking accounts of the famine that has made such terrible ravages in the provinces of Bengal, Bahar, and Oriza, nay throughout all Indostan. The dearth has been so very great for the last six months, that in the company's districts alone (upon a moderate computation) there have died upwards of three hundred thousand inhabitants through mere want. During the last six weeks we have lost in Calcutta and its environs 7,6000; and at the cities of Patua and Muxadabad it is supposed more than double that number, although there are many public charities open, and every method that can be thought of taken for their relief. Hunger drives many of them to such distress, that the strongest frequently in some parts of the country fall upon the weaker, and devour them.

Balls, concerts, and all public entertainments, ought to subside at this time of general scarcity; but I am sorry to say they have not; and under the doors and windows of

these places of amusement lie many dead bodies, and others again in all the agonies of death, despair, and want. But let me quit this melancholy subject, and inform you that there is a prospect of a very plentiful harvest, and grain begins to be cheaper.—There has also been great mortality among the Europeans here; upwards of two hundred have died within these two months, and the sickly season is not yet over.

There was never so great a scarcity of cash in Bengal as at present; not a rupee to be had even from the company: part of the troops two months in arrear. Trade is dead; and the company, I am afraid, fall short of their revenues this year, the country being quite impoverished, the villages deserted, and the rioters (or renters) flown to the large towns for relief. However, among all these calamities, there is not the least talk of a war either here or upon the coast.

## MARRIAGES.

March 24. **E**DWARD Chamberlain, Esq; to Miss Elizabeth Blagden—30. Samuel Pawson, Esq; to Miss Dorothy Lancake.

April 1. Lord Greville, son of the earl of Warwick, to Miss Peachey—Mr. Kenon, goldsmith to Miss Gowlet—3. William Lemon, Esq; to Miss Buller—Thomas Le Blanc, Esq; to Miss Relhan—Ridgeway Owen Merri-  
rick, Esq; to Miss Wynn—4. ——— Brand, Esq; to Miss Rober, William Cresswell, Esq; to Miss Hunter—Thomas Neate, Esq; to Miss Charlotte Seward—Mr. Smith, haberdasher, to Miss Pearson—Sir George Osborne, Bart. to Miss Bannister—9. James Dunlop, Esq; to Miss Buchanan—Mr. Gough brazier to Miss Hopkins—Mr. Alexander Champion, merchant to Miss Fuller—10. Henry Hutchinson, Esq; to Miss Maria Martin—Mr. Payne, coach painter, to Miss Rebecca Worster—Mr. Emden Jeweller, to Miss Solomons—Henry Fownes Lutterel, Esq; to Miss Fanny Bradley—13. James Medcott Flack, Esq; to the Hon. Lady Jane Sarah Flemming—Samuel Enys, Esq; of Enys, to Miss Penrose—15. Joshua Peart, Esq; to Miss Vivian—The Rev. Mr. Tew, fellow of King's College, Cambridge, to Miss Agnew—The Rev. Mr. Tooke, chaplain to the English factory at Cronstadt in Russia, to Miss Heaton—John Coryton, Esq; to Miss Tilly—Dr. Richmond, of Trinity College, Cambridge, to Miss Atherton.

## DEATHS.

March 25. **T**HOMAS Rammell, Esq; aged 75; a gentleman universally esteemed by a numerous genteel acquaintance. In the early part of his life he was several years in India, in the service of the company, by which his constitution was greatly impaired; at forty he took to a milk



which restored him, and on which he lived entirely for thirty-five years. He had a most remarkably excellent memory, retaining not only the matter, but the dates of all that he had read or otherwise came to his knowledge. Nor was he less remarkable for every good quality that can adorn mankind. He died of a fit of the palsy.

April 1. Samuel Parkinson, Esq;—Mrs. Wyan—Rev. Mr. Rochford, vicar of Kingbury, Warwickshire—The Rev. Simon Hughes, rector of Hampnet and of Stowell, Gloucestershire—3. Mr. Obediah Wright, shoemaker—Mrs. Mary Griffith—4. Colonel Timothy Carr, Esq; first equerry to his majesty—Mr. Robert Smith, solicitor in chancery—Mrs. Maynard—John Phillips, Esq;—Tho. Whittingham, Esq;—Lady Mary Fitzpatrick—8. James Burges, Esq; apothecary general to his majesty's board of ordnance—9. Joshua Richardson, Esq;—John Dunford, Esq;—Lady Bingley—John Penrose, Esq;—Mr. Mullins, Perfumer—John Pilkington, Esq;—The Rev. Mr. Long—Mr. Lucas, wine and brandy merchant—Mr. Edward Wilson, master of the Whitehorse inn, Fetter-lane—Mrs. Fletcher—G. Canning, Esq;—The Rev. Mr. Julius Bate—Mr. Joseph Hinton, senior master of the vintners porters, and porter to the king's wine cellars—Mr. Hughes, attorney—Mr. Bird, chemist—Mr. Porter, broker—Mr. Joseph Shaw, Manchester warehouseman—Samuel White, Esq; Robert Frazer, Esq; captain in the service of the East-India company.

## FOREIGN AFFAIRS. FRANCE.

PARIS, March, 29. The conversation of this city is engrossed by the protest made to the king the 13th inst. by the princes of the blood against what has been done to the prejudice of the parliament, and delivered that day to his majesty at Choisy by Mr. de Pour, first gentleman of the bed-chamber to the duke of Orleans. This proceeding of the princes of the blood induced the king to call a council the Friday following, in which it was debated, whether the princes of the blood should not be banished; but such violent proceedings meeting with great opposition nothing was concluded upon at that time.

Last Monday the court of Aids received a letter de cachet, by which the king ordered to appear before him on the Wednesday following a eleven o'clock in the morning, the first president, two other presidents, and the greffier with his registers: it is supposed with a design to erase the resolutions of that court on the 22d instant.

Paris, April 12. There are great doings here in the political way. On Saturday

there was a second bed of justice at Versailles. The king appointed the members of his great council in the place of the parliament of Paris, which is now entirely dissolved. The Duc D'Aguillon is minister for foreign affairs. There were none of the princes of the blood, except the Count de la Marche, at Versailles, on Saturday. They had all, however, been summoned; and not appearing, they are henceforth forbid the court. All the peers present, it is said, adhered to the protest of the Duc D'Uze, the oldest peer in France. The princes of the blood, who were not at Versailles, gave in their protest at Paris, to the clerk of the parliament.

The first president of the court of aids is banished, and that court suppressed.

## DENMARK.

Copenhagen, March 30. The king has removed the Count de Moltke from the post of grand marshal of the court, and Mr. de Luke from the posts of great chamberlain, and first president of the magistracy. His majesty has likewise reduced the number of pages, and made several other alterations in his household.

Private letters from Copenhagen advise, that the queen of Denmark is with child, to the great joy of the whole nation, and is happily in perfect health. These letters add, that the king of Denmark has granted the liberty of the press in his dominions; and that his majesty has received a letter in consequence from Mr. De Vo taire, together with a poem; wherein he stiles this liberty the greatest blessing which his Danish majesty could have bestowed upon his subjects for the improvement of learning.

## GERMANY.

Ratisbon, April 4. The emperor has declared by his ministers at foreign courts, that the army he is assembling in Hungary, is only to protect his dominions from any sudden insult from the many foreign troops that are upon the frontiers of that kingdom.

## POLAND.

From the Frontiers of Poland, March 9. The confederates have made themselves masters of the whole palatinate of Cracow, except the castle of the town of the same name, and have taken possession of the suburb of Cassimir, where they plundered the Jews quarter. On the other hand Marshal Sawa has entered Lithuania, and not content with raising high contributions there, he has taken or destroyed every thing belonging to the king.

*Continuation of the War between the Russians and the Turks.*

From the Vistula, March 13. The campaign will open very soon, and will probably be a very hot one, if a peace does not prevent it. The Russian army, which is provided with every necessary, has been reinforced



inforced with 40,000 men; that of the Turks consists of 60,000 Janissaries, 30,000 Bosniacs, and 20,000 Albanians.

It is certain the Turks are disposed to treat of peace: besides, the new grand vizir, Abdulrezac Effendi, and Achmet Effendi, are with the army in quality of plenipotentiaries, and are authorised to treat with Count Romanzoff; and messengers are continually passing between them.

Prince Gallitzin, the Russian minister at the Hague, has received a letter from Count Romanzow, dated March 15, giving an account of his having taken the town and fortress of Guirgin, on the Danube, which was defended obstinately by 10,000 Turks, and covered by two intrenchments, from both which they were driven, with the loss of 4000 men killed; after which the remainder retired to the castle for several days, when a magazine of powder blowing up, the remainder amounting to about 3000, on account of the want of provisions, were suffered to join the main body of their army. Sixty-two pieces of brass cannon, two mortars, and a vast quantity of warlike stores were likewise taken. The Russians had only 400 killed, and 800 wounded; among the latter, the Generals Gottenhelm and Molino, and Colonel Count Natali.

#### TURKEY.

Constantinople, March 4. On the 18th past, at midnight, a dreadful fire happened at Galata, which consumed 2500 houses and shops. It broke out near the gate of Tophane, and a very high northerly wind spread the flames with rapid vehemency; so that the fire raged for fifteen hours. The miserable inhabitants were chiefly Greeks, Armenians, and Jews, and suffered much from the cold, which was so intense, that a continual snow fell to the ground, frozen like hail; some children and sick people are said to have lost their lives by it; but we do not hear that any perished in the flames. Two other fires began the same night at Constantinople; the one laid 12 houses in ashes, the other three. It is said to be discovered, that all the three fires were caused by incendiaries, and that an attempt was made the same night to set fire to the quarter of the Greeks at Fanal in Constantinople.

Constantinople, March 4. At the late terrible fire in this city and suburbs, the Caimachman, and other great officers, went to the place where it raged, and the former seeing some wretches pillaging the inhabitants of what little they had saved, in order to deter others, ordered them to be thrown into the flames.

#### EGYPT.

Marseilles, March 5. According to letters from Alexandria, we may expect to see Egypt recover its ancient splendor under the government of Aly Bey, the new sultan of

that famous country. A letter from Jean d'Acre, dated Dec. 30, 1770, says "Syria is at the eve of becoming the theatre of desolation, and of a cruel and destructive war. Aly Bey, who has set himself up for the sultan of Egypt, the Chah Daer, and the emir of the Druses, having united themselves to subdue the Pacha of Damascus, the latter upon the approach of their combined army retired from Jaffa, after plundering it, except the houses of the Franks. All the places through which his troops passed felt the same effects of their retreat, which has so greatly alienated the affection of the inhabitants of the country from him, that nobody even at Damascus will trust either him or his people, and that the inhabitants of Jaffa and Jerusalem themselves carried the keys of these towns to the army of the allies.

Venice, March 23. We have the following account from Aleppo, "Egypt seems to recover its ancient lustre under the government of Ali Bey, who is at present at Grand Cairo. His general after taking Gaza, Nazareth, Jerusalem and Jaffa, beat the bassa of Damascus's army; after which, the bassa having received a reinforcement commanded by the Tair Omer, lord of St. John d'Acri, determined to risk another battle, in which he was likewise defeated. When this sad news arrived at Constantinople, eight bassas received orders to go immediately to the promised land, to prevent the enemy's farther progress.

#### NOTE to our CORRESPONDENTS.

*AS the important question of parliamentary privilege has this month produced an amazing redundancy of political arguments, arguments absolutely necessary for the perusal of the public, we were compelled to postpone the favours of many obliging correspondents; especially as several new publications of character had appeared, in an account of which it is our ambition, to be always as early as any of our numerous competitors — Aristarchus therefore — A Friend to the Poor — A Detector — A Lover of the Mathematics — Baron de H — The authors of the Benevolent Society, and many other good friends to the London Magazine will, we flatter ourselves, receive this apology with indulgence — The Trunk-maker in the Corner has humour, but is more calculated for a news-paper — Benevolus may have humour too, but we confess our inability to discover it.*

*A copper plate of Mr. Lyle's Perpetual Pocket Table (from which we have given examples in the present number) was intended for this month's Magazine; but the subject being extremely curious, the engraver could not finish it in time with the nicety which was requisite; the reader will therefore kindly submit to a month's delay to have such an article properly executed.*